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1 his statement. 12:45:23

2 Q. Why did you feel it necessary to 12:45:29

3 go to the scene of the, alleged scene of 12:45:31

4 the attack on the jogger after Raymond 12:45:35

5 Santana had already made his statement? 12:45:38

6 MS. DAITZ: Objection to form. 12:45:40

7 A. I asked Raymond and his father 12:45:45

8 if they could point, if Raymond could 12:45:50

9 point out -- if he could recall where the, 12:45:53

10 where the initial attack on the jogger 12:46:00

11 took place. 12:46:03

12 Q. You asked him that when, as you 12:46:07

13 drove through the park or before you got 12:46:09

14 into the park? 12:46:12

15 MS. DAITZ: Objection to form. 12:46:13

16 A. I'm not sure whether I asked him 12:46:13

17 that before we got in the car or whether I 12:46:16

18 mentioned it in the car, but certainly I 12:46:20

19 had that conversation. 12:46:22

20 Q. And what did Raymond say to you? 12:46:23

21 A. As we drove along the West 102nd 12:46:31

22 Street Drive, there were police officers 12:46:39

23 on the drive. 12:46:43

24 To the best of my recollection, 12:46:51

25 there were some lights set up. Raymond 12:46:53

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1 told me to stop the car at a certain 12:46:58
2 point. He said it happened here. 12:47:02
3 Q. And so then you got out. Did 12:47:14
4 you get out when he said it happened here? 12:47:16
5 A. I stopped the car. 12:47:19
6 Q. I'm sorry, you said you saw a 12:47:20
7 police car, you drove and you saw a police 12:47:22
8 car and you drove past it? 12:47:25
9 A. I did not, I didn't say that. I 12:47:27
10 said I saw police officers on that -- 12:47:28
11 Q. On the drive. 12:47:30
12 A. It could have been police -- 12:47:31
13 Q. On the Cross Drive? 12:47:35
14 A. Yes, sir. It could have been 12:47:36
15 police vehicles as well, but I 12:47:38
16 specifically don't recall. 12:47:40
17 Q. Were there any lights? 12:47:40
18 A. As I testified, there were 12:47:42
19 lights. 12:47:43
20 Q. And then Raymond said stop here? 12:47:43
21 A. Yes, sir. 12:47:47
22 Q. And then what did he say or then 12:47:48
23 what happened? 12:47:54
24 A. Jonza, myself, Santana, Jr. and 12:47:56
25 Raymond, Sr. all got out of the car. 12:48:02

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1	Q.	And?	12:48:05
2	A.	Following Raymond's lead, we	12:48:06
3		walked to the, what would be the northern	12:48:13
4		edge of the path that cuts from the East	12:48:16
5		Drive to the West Drive and vice versa.	12:48:23
6	Q.	And then what happened?	12:48:25
7	A.	Raymond said it happened here,	12:48:27
8		or words to that effect.	12:48:34
9	Q.	And then you got back in the	12:48:35
10		car?	12:48:41
11	A.	We got back in the car.	12:48:41
12	Q.	I'm saying, that was a question,	12:48:43
13		did you get back in the car, did you walk	12:48:45
14		anyplace else?	12:48:48
15	A.	To the best of my recollection,	12:48:49
16		I think we walked a little off the path	12:48:51
17		onto the grass. But as I sit here today,	12:48:56
18		all these years later, I don't remember	12:49:01
19		that as clearly as I did back then.	12:49:07
20	Q.	When you say you walked into the	12:49:10
21		grass, the grass at the scene where the	12:49:12
22		attack occurred?	12:49:16
23	A.	According to Raymond.	12:49:18
24		MS. DAITZ: Objection.	12:49:19
25	Q.	According to Raymond.	12:49:20

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1 Subsequent to that, did you find out where 12:49:22
2 the scene, where the actual crime scene 12:49:25
3 was -- 12:49:27
4 MS. DAITZ: Objection. 12:49:28
5 Q. -- involving Ms. Meili? 12:49:28
6 MS. DAITZ: Objection to form. 12:49:31
7 A. Subsequent to? 12:49:32
8 Q. Subsequent to that. That was 12:49:35
9 your first trip to the crime scene, 12:49:37
10 correct? 12:49:38
11 A. Yes, yes, sir. 12:49:39
12 Q. You made other trips to the 12:49:40
13 crime scene after that? 12:49:43
14 A. Yes, sir. 12:49:43
15 Q. And at some point you 12:49:44
16 established where it actually, where the 12:49:45
17 attack on Ms. Meili actually occurred, 12:49:47
18 correct? 12:49:51
19 MS. DAITZ: Objection. 12:49:51
20 Q. At some point during the 12:49:52
21 investigation? 12:49:54
22 A. At some point during the 12:49:55
23 investigation, there were actually two 12:49:56
24 crime scenes. 12:49:59
25 Q. And the location where you said 12:50:00

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1 Raymond told you to stop, was that the 12:50:08
2 first crime scene or the second crime 12:50:10
3 scene? 12:50:13

4 A. That was, what was later on to 12:50:13
5 be determined, the first crime scene, yes. 12:50:17

6 Q. And the first crime scene is 12:50:20
7 where Ms. Meili was first attacked? 12:50:23

8 A. That would be correct. 12:50:26

9 Q. And Raymond told you to stop the 12:50:28
10 car close to that scene? 12:50:33

11 A. Yes, sir, it was an 12:50:35
12 approximation. 12:50:39

13 Q. And he was the one who told you 12:50:39
14 where to stop? 12:50:48

15 A. Yes, sir. 12:50:49

16 Q. Do you remember the, looking at 12:50:49
17 Sheehan 34, your testimony at the 12:51:15
18 suppression hearing, do you remember being 12:51:17
19 asked these questions, I'm going to refer 12:51:22
20 you to the page, page 1706, through line 4 12:51:24
21 on page 1707, and let me know when you're 12:52:08
22 finished. 12:52:27

23 A. Okay. 12:52:45

24 Q. Do you remember being asked 12:52:46
25 those questions starting on 1706, well, 12:52:48

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1 actually, the question is on 170 -- I 12:52:53
2 don't have that page. 12:52:58

3 The answer is: "Our original 12:52:58
4 destination was the Santana residence on 12:53:01
5 [REDACTED] which is across the 12:53:03
6 street from the 25th Precinct. 12:53:06

7 "QUESTION: Did you go to that 12:53:07
8 location? 12:53:08

9 "ANSWER: On our way we stopped 12:53:09
10 by the crime scene. 12:53:12

11 "QUESTION: Where was that? 12:53:14

12 "ANSWER: The crime scene is 12:53:15
13 actually a multiple crime scene. We went 12:53:18
14 to 102nd Street and the Cross Drive which 12:53:21
15 connects the East Drive on Central Park 12:53:24
16 with the West Drive of Central Park. 12:53:27

17 "QUESTION: Where did you go on 12:53:29
18 102nd Street Cross Drive? 12:53:31

19 "ANSWER: Approximately midway 12:53:32
20 between the East and West Drive. 12:53:34

21 "QUESTION: Was anything said by 12:53:37
22 anyone in the car? 12:53:38

23 "ANSWER: Yes, sir, I asked 12:53:39
24 Raymond Santana if we could all exit the 12:53:42
25 car, including his father, if he would, if 12:53:45

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1 he could possibly remember and try to show 12:53:48
2 us some of the pertinent sites, in 12:53:51
3 particular, where the woman was grabbed 12:53:54
4 and where the rape took place. 12:53:55

5 "QUESTION: Did Raymond Santana, 12:53:57
6 Jr. say anything or point anywhere? 12:54:00

7 "ANSWER: He pointed in the 12:54:01
8 general area, an area north, north of this 12:54:04
9 Cross Drive which is heavily wooded and 12:54:07
10 about 30 to 40 feet in. It begins to 12:54:10
11 slope down into a ravine. We walked into 12:54:13
12 the woods maybe 20 to 30 feet. He said it 12:54:16
13 was really, it was really too dark for him 12:54:20
14 to point out anything of any 12:54:23
15 significance." 12:54:27

16 Do you remember being asked 12:54:27
17 those questions and giving those answers? 12:54:29

18 A. I don't remember it, but if it's 12:54:30
19 part of my testimony -- 12:54:34

20 Q. And it doesn't indicate -- 12:54:34

21 MS. DAITZ: Can you just let him 12:54:36
22 finish his answer? 12:54:37

23 Q. Okay. 12:54:38

24 A. If it's part of my testimony, 12:54:39
25 then I would assume this is what happened. 12:54:42

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1 Q. And this deposition was on 12:54:44
2 October 1989 some six months -- 12:54:48
3 MS. DAITZ: This hearing. 12:54:53
4 Q. This hearing, I'm sorry, this 12:54:55
5 hearing was in October 1989 some six 12:54:57
6 months after the incident? 12:55:00
7 A. Yes, sir. 12:55:01
8 Q. when it would be fresher in your 12:55:02
9 mind? 12:55:06
10 A. Yes. 12:55:06
11 Q. And did your answer -- nowhere 12:55:06
12 in it does your answer indicate that 12:55:11
13 Raymond told you where to stop, does it? 12:55:13
14 A. Nowhere in this testimony, but 12:55:16
15 you're asking me my independent 12:55:19
16 recollection? 12:55:21
17 Q. Yes. 12:55:22
18 A. And my independent recollection 12:55:22
19 is that he did tell me where to stop. 12:55:24
20 Q. That's your independent 12:55:27
21 recollection in 2013? 12:55:28
22 A. Right. 12:55:31
23 MS. DAITZ: Mr. Wareham, can we 12:55:45
24 break for lunch? Whenever it's convenient 12:55:48
25 for you. 12:55:55

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1 MR. WAREHAM: Okay, 1:30. 12:55:55

2 MS. DAITZ: Sure. 12:55:57

3 MR. WAREHAM: It that good for 12:55:59

4 you, Jane, you and the kid? 12:56:00

5 Q. Do you remember Raymond making a 12:56:03

6 statement that you testified to that it 12:56:11

7 was too dark in the wooded area? 12:56:12

8 A. I remember, once again, to the 12:56:16

9 best of my recollection, I do remember 12:56:20

10 Raymond saying as we walked, as I 12:56:23

11 testified, off the path into the grassy 12:56:26

12 area, I do remember him saying that it 12:56:29

13 was, that it was dark. 12:56:32

14 Q. Too dark for him to be able to 12:56:33

15 -- 12:56:37

16 A. I don't recall that. 12:56:37

17 Q. -- to identify? 12:56:38

18 A. I don't recall that exactly but 12:56:39

19 certainly that's in my testimony. 12:56:41

20 Q. And this was at approximately 12:56:42

21 what time in the morning? 12:56:46

22 A. Okay, let me try to get a 12:56:49

23 timeline again in my head. 12:56:53

24 Q. Okay. 12:56:55

25 A. The videotaped statement was 12:56:56

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1 sometime after two o'clock. Then there 12:57:00
2 was a videotape of the clothes. So this 12:57:04
3 was, to the best of my recollection, 12:57:07
4 sometime around three a.m. to four a.m., 12:57:16
5 and that's being very general. 12:57:19
6 Q. It was before sunrise? 12:57:22
7 A. Yes, sir. 12:57:24
8 Q. And the assault on Ms. Meili 12:57:25
9 occurred, excuse me, in approximately nine 12:57:41
10 or ten p.m. on the night of the, on April 12:57:45
11 19th; is that correct? 12:57:51
12 MS. DAITZ: Objection. 12:57:52
13 A. As I said, as I sit here today, 12:57:52
14 I'm not entirely certain when that 12:57:56
15 happened. 12:57:59
16 Q. But you do know it was at night? 12:57:59
17 A. I believe it was, I believe it 12:58:01
18 was at night, yes. 12:58:04
19 Q. And -- 12:58:07
20 MR. WAREHAM: Withdrawn. 12:58:23
21 Q. Do you remember this, I'll now 12:58:24
22 refer you to 35, your testimony at the 12:58:40
23 McCray, Santana, Salaam trial in 1990. 12:58:52
24 And pages 3694, 3696, starting on 3694 at 12:59:00
25 line 10 or line 5, I'm sorry. If you 12:59:36

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1 would just read along with me. 12:59:49

2 Question, on line 4, on 3694. 12:59:52

3 "QUESTION: And where did you go 12:59:55

4 and who went with you? I'm sorry. Let's 12:59:57

5 start at the top. 13:00:00

6 MS. DAITZ: Can you tell me 13:00:00

7 where you are? 13:00:02

8 MR. WAREHAM: 3694. 13:00:02

9 MS. DAITZ: All right. 13:00:04

10 Q. "QUESTION: Approximately when? 13:00:05

11 "ANSWER: About 3:45 in the 13:00:07

12 morning. 13:00:10

13 "QUESTION: And where did you go 13:00:11

14 and who went with you? 13:00:12

15 "ANSWER: Myself and, again, 13:00:13

16 Detective Augie Jonza escorted Raymond 13:00:15

17 Santana Sr. and Raymond Santana, Jr. from 13:00:18

18 the 24th Precinct in a department auto to 13:00:21

19 the Santana residence which is on, located 13:00:24

20 on [REDACTED] across from the 25th 13:00:27

21 Precinct. 13:00:27

22 "QUESTION: Did you go directly 13:00:31

23 to the Santana residence? 13:00:33

24 "ANSWER: No, we did not. 13:00:34

25 "QUESTION: Where did you go? 13:00:37

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1 "ANSWER: I advised Raymond and 13:00:38
2 his father that en route to their home, I 13:00:41
3 would like to possibly take a drive by 13:00:44
4 where this incident happened with the 13:00:47
5 woman and they agreed. 13:00:48
6 "It was done in an effort that 13:00:50
7 Santana could, Raymond, Jr. could help us 13:00:51
8 out in pointing out perhaps the exact 13:00:55
9 spot. We drove to Central Park West and I 13:00:59
10 went into the Central Park, I went into 13:01:01
11 Central Park which was closed to vehicular 13:01:03
12 traffic, I believe, drove to the West 13:01:06
13 Drive, made a left up to 102nd Street, 13:01:08
14 which is the Cross Drive, which is usually 13:01:12
15 just open for authorized vehicles, through 13:01:14
16 the 102nd Street Cross Drive to a point 13:01:16
17 between a third and a halfway between East 13:01:20
18 and West Drive going from the west to the 13:01:22
19 East Side. We stopped on Raymond's 13:01:24
20 advice. 13:01:31
21 "QUESTION: When you say on 13:01:31
22 Raymond's advice, as you were driving east 13:01:33
23 on 102nd Street at Cross Drive what, if 13:01:35
24 anything, happened that led you to stop 13:01:38
25 the car? 13:01:41

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P-APP000950

1 "ANSWER: I asked him if this 13:01:41
2 was the particular road, and he agreed 13:01:43
3 this was the road. I said you tell me 13:01:45
4 where to stop. He said he thinks this is 13:01:47
5 the spot, so we stopped. 13:01:50

6 "QUESTION: I would ask you to 13:01:53
7 please step down again and approach 13:02:00
8 People's 2 in evidence. Would you 13:02:02
9 indicate on that map approximately where 13:02:04
10 you were when Raymond Santana told you to 13:02:06
11 stop? 13:02:08

12 "MR. RIVERA: Objection, Your 13:02:10
13 Honor. 13:02:10

14 "THE COURT: I'll allow him to 13:02:11
15 answer. 13:02:12

16 "ANSWER: As I said, this is the 13:02:13
17 102nd Street Cross Drive, this is not 13:02:14
18 normally open to vehicular traffic, 13:02:17
19 usually just authorized vehicles. 13:02:19

20 "We entered the park here. This 13:02:21
21 is the West Drive, made a left straight up 13:02:23
22 here, made a right, straight up to here 13:02:23
23 made a right, into the Drive, and I said a 13:02:29
24 third to halfway, which is approximately 13:02:31
25 here, approximately here. I'm not 13:02:32

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1 completely certain. 13:02:35

2 "QUESTION: What, if anything, 13:02:35

3 happened at that location, was there any 13:02:37

4 conversation? 13:02:38

5 "ANSWER: Yes, we all got out of 13:02:39

6 the car, myself, Jonza, Santana, Jr., 13:02:41

7 Santana, Sr. 13:02:43

8 "QUESTION: Where did you go 13:02:45

9 when you got out of the car? 13:02:46

10 "ANSWER: Raymond indicated that 13:02:48

11 this was the area that Kevin was 13:02:50

12 struggling with the woman. He then 13:02:52

13 pointed to a heavily wooded area, and the 13:02:54

14 area was sloped. It doesn't slope 13:02:56

15 immediately, but it begins to slope down. 13:02:57

16 We walked into, inside the wood line, if 13:02:59

17 you know what I'm saying, like inside the 13:03:04

18 first group of trees about 30, 40 feet, 13:03:05

19 excuse me, or so. 13:03:05

20 "He said everything else 13:03:09

21 happened in this area here, but I'm not 13:03:10

22 sure, I can't tell you, it's too dark. 13:03:14

23 MS. DAITZ: I can't tell, it's 13:03:16

24 too dark. 13:03:18

25 Q. I'm sorry, I can't tell, it's 13:03:19

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1 too dark. 13:03:21

2 MR. WAREHAM: Thank you. 13:03:22

3 Q. Do you remember giving this 13:03:23

4 testimony? 13:03:24

5 A. I don't recall the exact 13:03:24

6 testimony again, but certainly if I gave 13:03:26

7 it, then it's my testimony. 13:03:29

8 Q. Can you explain the difference 13:03:32

9 between your testimony at the hearing in 13:03:36

10 1989 where you said we stopped, and your 13:03:40

11 testimony at the trial nine months later 13:03:44

12 where you said you stopped on Kevin's 13:03:50

13 advice? 13:03:54

14 MS. DAITZ: Objection. 13:03:54

15 Q. Raymond's advice, sorry. 13:03:55

16 MS. DAITZ: Objection to form. 13:03:58

17 A. And your question, sir? 13:03:59

18 Q. My question is, your testimony 13:04:00

19 in October 1989 was we stopped, no 13:04:02

20 indication that you stopped on Raymond's 13:04:06

21 advice. 13:04:09

22 Your testimony at the trial is 13:04:09

23 that you stopped on Raymond's advice 13:04:14

24 making him more culpable in the incident. 13:04:17

25 MS. DAITZ: Objection to form. 13:04:28

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1 A. First of all, that's your 13:04:30
2 characterization, making him more 13:04:32
3 culpable. If you're asking me was there a 13:04:36
4 difference in my testimony, yes, there was 13:04:39
5 a slight difference in my testimony. 13:04:41

6 As to whether Raymond Santana is 13:04:44
7 the one who said stop the car, I testified 13:04:46
8 to that in the trial, and I'm testifying 13:04:50
9 to that today. 13:04:52

10 Q. Okay, so you're saying that the 13:04:56
11 testimony you gave in October 1989 when it 13:05:02
12 was fresher in your mind is not as 13:05:06
13 accurate as the testimony you gave in July 13:05:09
14 1990 or in May 2013? 13:05:12

15 MS. DAITZ: Objection to form. 13:05:18

16 A. I'm not saying that at all, sir. 13:05:18
17 I'm saying it's slightly different. I'm 13:05:21
18 not saying it's more accurate or less 13:05:24
19 accurate, I'm saying it's slightly 13:05:26
20 different. 13:05:28

21 Q. Significantly different. 13:05:29

22 MS. DAITZ: Objection. 13:05:30

23 A. Perhaps in your mind, not in 13:05:30
24 mine. 13:05:34

25 Q. I won't argue with you, Mr. 13:05:34

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1 Sheehan. 13:05:36

2 But you're, but you are 13:05:37

3 consistent in that Raymond said it was too 13:05:46

4 dark at three, four a.m. in morning? 13:05:50

5 (Mr. Wise left the room.) 13:05:53

6 A. Yes, sir. 13:05:56

7 Q. Darker than it would have been 13:05:57

8 at ten p.m. that night, the night before? 13:05:59

9 MS. DAITZ: Objection. 13:06:00

10 A. I didn't say that. It's just, 13:06:01

11 all I'm testifying here is to what I read 13:06:03

12 in my testimony where Raymond said that it 13:06:05

13 was dark, and I recall that as I sit here 13:06:08

14 today. 13:06:11

15 Q. Isn't it, isn't it a fact that 13:06:11

16 when you drove to that area that Raymond 13:06:15

17 Santana, Jr. and you said, you said this 13:06:18

18 is the spot where it happened. He said 13:06:22

19 no, this is not the spot, this isn't, I 13:06:24

20 haven't been here, it's over by the water? 13:06:28

21 MS. DAITZ: Objection. 13:06:30

22 A. Are you saying -- 13:06:32

23 Q. I'm saying -- 13:06:35

24 A. I'm a bit confused. 13:06:36

25 Q. Okay, let me rephrase it. 13:06:38

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1 A. Okay. 13:06:39

2 Q. Did Raymond Santana, Jr., when 13:06:40

3 you drove to 102nd Street Cross Drive, say 13:06:43

4 to you that, and you said, you said that 13:06:46

5 this is the spot where it occurred. You 13:06:49

6 said you said that this is -- 13:06:52

7 MR. WAREHAM: Withdrawn. 13:06:54

8 Q. Isn't it a fact that when you 13:06:54

9 got to the 102nd Street Cross Drive, that 13:06:56

10 you told Raymond Santana this is the spot 13:06:58

11 where it happened, isn't it? And he said 13:07:01

12 no, it happened over by the water. 13:07:03

13 MS. DAITZ: Objection to form. 13:07:07

14 A. No, that's not what happened. 13:07:09

15 Q. And if Raymond Santana testified 13:07:11

16 to that under oath, you would say he was 13:07:18

17 lying? 13:07:23

18 A. I can't say whether Raymond 13:07:24

19 Santana was lying. 13:07:27

20 Q. Junior, that is. 13:07:28

21 A. I can't say Raymond Santana, Jr. 13:07:29

22 was lying. I mean, that could be his 13:07:32

23 version of events now. His version of 13:07:35

24 events on the night when I took him there, 13:07:40

25 the morning that I took him there, I 13:07:43

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1 recall and I testified to. 13:07:46

2 Q. And if -- let me show you -- did 13:07:47

3 you, after you testified in the Santana 13:09:07

4 trial in 19 -- July 1990, did you attend 13:09:15

5 -- did you stay to hear any of the other 13:09:20

6 testimony? 13:09:23

7 A. No, sir. 13:09:23

8 Q. Did you hear the testimony of 13:09:24

9 Raymond Santana, Sr.? 13:09:27

10 A. No, sir. 13:09:29

11 Q. Let me show you what has been 13:09:29

12 marked Sheehan 37 which is an excerpt from 13:09:34

13 the trial testimony of Raymond Santana, 13:09:41

14 Sr. on August 1, 1990 -- 13:09:45

15 A. Thanks. 13:09:47

16 MS. DAITZ: Thank you. 13:09:53

17 Q. -- at the trial of Antron 13:09:53

18 McCray, Raymond Santana and Yusef Salaam. 13:09:58

19 MS. DAITZ: 37? 13:10:05

20 MR. WAREHAM: 37. 13:10:07

21 MS. DAITZ: Are you giving a 13:10:08

22 page number? 13:10:11

23 (Mr. Wise re-entered the room.) 13:10:13

24 MR. WAREHAM: 4740 through 4743. 13:10:14

25 4744, excuse me, I'm sorry. 13:10:25

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P-APP000957

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1 A. What pages again, sir? 13:10:28

2 Q. The entire, 4740 through 4744. 13:10:29

3 A. Okay. 13:10:33

4 Q. And I'll read it, and then I'll 13:10:34

5 ask you some questions. This is on page 13:10:46

6 4740, line 4, direct examination 13:10:48

7 continued. 13:10:52

8 MS. DAITZ: Can you just give me 13:10:52

9 one minute? 13:10:54

10 MR. WAREHAM: Okay. Let's go 13:10:56

11 off, I have to take a quick break. 13:11:23

12 THE VIDEOGRAPHER: We are going 13:11:26

13 off the record at 1:11 p.m. This marks 13:11:27

14 the end of media unit 2. 13:11:31

15 (A recess was taken.) 13:11:36

16 THE VIDEOGRAPHER: We're back on 13:16:32

17 the record at 1:17 p.m. This starts the 13:17:20

18 beginning of media unit 3. 13:17:24

19 Q. So did you have an opportunity 13:17:26

20 to look at that? 13:17:29

21 A. Yes, I did. 13:17:30

22 Q. On page 4740, line 5, direct 13:17:31

23 examination by Mr. Rivera of Mr. Raymond 13:17:39

24 Santana, Sr. 13:17:39

25 "QUESTION: And you, you 13:17:43

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P-APP000958

1 indicated, Mr. Santana, that you went in a 13:17:44
2 police car with your son, Raymond, and 13:17:48
3 other police officers? 13:17:50
4 "ANSWER: M-mm. 13:17:50
5 "QUESTION: How many police 13:17:53
6 officers went into that police car? 13:17:55
7 "ANSWER: It was, when we came 13:17:56
8 out the precinct, it was two, two police 13:17:59
9 cars. 13:18:02
10 "QUESTION: Two police cars? 13:18:02
11 "ANSWER: Yeah. It was five 13:18:03
12 detectives, me and my son. 13:18:06
13 "QUESTION: You and your son 13:18:07
14 were in one police car? 13:18:09
15 "ANSWER: Yeah. 13:18:11
16 "QUESTION: The same police car? 13:18:12
17 "ANSWER: With two detectives. 13:18:14
18 "QUESTION: There were two 13:18:16
19 detectives in that car? 13:18:18
20 "ANSWER: Uh-huh. 13:18:19
21 "QUESTION: And was there 13:18:21
22 another police car? 13:18:22
23 "ANSWER: Yes. 13:18:24
24 "QUESTION: And how many 13:18:25
25 detectives were in that other police car? 13:18:26

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P-APP000959

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1 "ANSWER: Three. 13:18:29

2 "QUESTION: And where did you 13:18:31

3 go? 13:18:32

4 "ANSWER: To the Central Park. 13:18:33

5 "QUESTION: And where were you 13:18:36

6 seated? 13:18:37

7 "ANSWER: In the back with 13:18:38

8 Raymond. 13:18:40

9 "QUESTION: And Raymond was 13:18:41

10 seated in the back? 13:18:42

11 "ANSWER: Yes. 13:18:43

12 "QUESTION: Was Raymond seated 13:18:45

13 behind the driver or behind the -- 13:18:47

14 "ANSWER: He was seated behind 13:18:49

15 the driver. 13:18:51

16 "QUESTION: And you were to the 13:18:52

17 right of Raymond; is that correct? 13:18:53

18 "ANSWER: Yeah. 13:18:55

19 "QUESTION: And the other police 13:18:56

20 officer -- the other officers, where were 13:18:59

21 they? 13:19:00

22 "ANSWER: Hm? 13:19:02

23 "QUESTION: There were two 13:19:04

24 police officers you indicated. 13:19:05

25 "ANSWER: In the front. 13:19:06

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P-APP000960

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1 "QUESTION: And where were they 13:19:08
2 seated, in the front seat? 13:19:09
3 "Yeah, front seat. 13:19:13
4 "QUESTION: And where did you 13:19:15
5 go? 13:19:16
6 "ANSWER: To the Central Park. 13:19:17
7 "QUESTION: And do you know 13:19:18
8 where you went? 13:19:19
9 "ANSWER: To -- when we got 13:19:20
10 there, it was a policeman there. 13:19:23
11 "QUESTION: It was, there was a 13:19:27
12 policeman there? 13:19:28
13 "ANSWER: Yeah. 13:19:29
14 "QUESTION: And, other than the 13:19:29
15 a policeman there, were there any other 13:19:31
16 vehicles there? 13:19:34
17 "ANSWER: No. 13:19:35
18 "QUESTION: There were no 13:19:36
19 vehicles where this police officer was 13:19:38
20 standing? 13:19:40
21 "ANSWER: No. 13:19:41
22 "QUESTION: What happened there? 13:19:42
23 "ANSWER: We got there. They 13:19:43
24 tell us to get off the car. 13:19:45
25 "QUESTION: Who said get off the 13:19:48

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P-APP000961

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1	car?	13:19:50
2	"ANSWER: Sheehan.	13:19:50
3	"QUESTION: Did Raymond say	13:19:52
4	anything at that point in time?	13:19:54
5	"ANSWER: No.	13:19:56
6	"QUESTION: Did Raymond tell the	13:19:58
7	police officer, Detective Sheehan, stop	13:19:58
8	right here?	13:19:59
9	"ANSWER: No.	13:19:59
10	"MS. LEDERER: Objection as to	13:20:01
11	leading, Your Honor.	13:20:02
12	"THE COURT: Yes, objection	13:20:06
13	sustained. Let him testify.	13:20:07
14	"QUESTION: What happened at	13:20:09
15	that location?	13:20:10
16	"ANSWER: We got out of the car,	13:20:11
17	and we start walking on the grounds.	13:20:12
18	"QUESTION: And were you walking	13:20:12
19	also?	13:20:12
20	"ANSWER: Yes.	13:20:12
21	"QUESTION: And what, did the	13:20:14
22	officer ask Raymond any questions?	13:20:19
23	"ANSWER: Not yet.	13:20:21
24	"QUESTION: What happened then?	13:20:23
25	"ANSWER: Then we went downhill	13:20:25

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P-APP000962

1 like and he said, Raymond, you was here, 13:20:27
2 and Raymond said, no, I never been here. 13:20:29
3 "QUESTION: And what happened 13:20:32
4 then? 13:20:32
5 "ANSWER: "Raymond said he was 13:20:34
6 on the other side of the park. 13:20:36
7 "QUESTION: Did Raymond point to 13:20:38
8 any area? 13:20:40
9 "ANSWER: Yes. 13:20:41
10 "QUESTION: To a general area? 13:20:42
11 "ANSWER: Yes, the water well. 13:20:44
12 "QUESTION: I'm sorry? 13:20:46
13 "ANSWER: The water well. 13:20:47
14 "QUESTION: And do you know, do 13:20:49
15 you know how, was he pointing with his 13:20:51
16 hand? 13:20:53
17 "Objection. 13:20:53
18 "MS. LEDERER: Objection. 13:20:54
19 "THE COURT: Let him tell what 13:20:55
20 was going on, let him describe. 13:20:56
21 "QUESTION: Could you describe 13:20:59
22 what was happening? 13:21:00
23 "ANSWER: Yeah, he was in a 13:21:01
24 downhill like, and Raymond, he and Raymond 13:21:03
25 said he was in the other side. 13:21:06

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1 "QUESTION: Was he pointing with 13:21:08
2 his hand? 13:21:10

3 "ANSWER: Yeah. 13:21:10

4 "THE COURT: Mr. Rivera, let him 13:21:11
5 describe what he was doing. 13:21:14

6 "MR. RIVERA: Your Honor, he 13:21:16
7 pointed with his hand. 13:21:17

8 "THE COURT: Well, let him 13:21:18
9 describe it. Please describe it. 13:21:20

10 "QUESTION: And what happened 13:21:22
11 next? 13:21:23

12 "ANSWER: They didn't pay him no 13:21:24
13 mind. 13:21:24

14 "QUESTION: When you say they 13:21:27
15 didn't pay him no mind, who are you 13:21:29
16 referring to? 13:21:29

17 "ANSWER: Sheehan. 13:21:32

18 "QUESTION: Now, did Detective 13:21:33
19 Sheehan ask him any questions? 13:21:35

20 "ANSWER: No. 13:21:37

21 "QUESTION: After that, what 13:21:38
22 happened?" 13:21:40

23 Okay. Is, was Mr. Santana with 13:21:40
24 you when you took him into the park or you 13:21:49
25 testified Mr. Santana was with you, 13:21:51

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P-APP000964

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1 Senior, when you went to the park? 13:21:53

2 A. If you're asking me was Mr. 13:21:55

3 Santana, Sr. with his son Raymond, Jr. 13:21:57

4 when Detective Jonza and I -- 13:22:00

5 Q. Yes. 13:22:03

6 A. -- went into the park en route 13:22:04

7 to their own home, yes. 13:22:07

8 Q. And you've heard Mr. 13:22:08

9 Santana's -- you've read Mr. Santana's 13:22:12

10 testimony? 13:22:15

11 A. Yes. 13:22:15

12 Q. Is that accurate? 13:22:16

13 A. No. 13:22:17

14 MR. WAREHAM: Okay, we can take 13:22:36

15 a break now. 13:22:38

16 MS. DAITZ: Okay. 13:22:39

17 MR. WAREHAM: A break for lunch. 13:22:39

18 THE VIDEOGRAPHER: We're going 13:22:41

19 off at 1:22 p.m. 13:22:42

20 (Whereupon a luncheon recess was 13:22:44

21 taken.) 13:22:47

22 (Twelve documents were hereby 13:22:47

23 marked as Sheehan Exhibits 41-52 for 13:22:47

24 identification, as of this date.) 13:22:47

25 AFTERNOON SESSION 14:26:34

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NYCLD_044136

P-APP000965

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1 THE VIDEOGRAPHER: We are back 14:26:34
2 on the record at 2:28 p.m. 14:28:31
3 Q. Good afternoon, Mr. Sheehan. 14:28:34
4 A. Good afternoon. 14:28:37
5 Q. Let me ask you, going back to 14:28:39
6 the 20th Precinct, when, where did you 14:28:44
7 question Raymond Santana, Jr., where did 14:28:54
8 you do the interview? 14:28:57
9 A. His interview was done on the 14:28:59
10 ground floor, it was the 20th Precinct 14:29:02
11 youth room. 14:29:06
12 Q. And that was a designated youth 14:29:08
13 room? 14:29:10
14 A. It's a room that certainly I had 14:29:11
15 believed was the designated youth room. 14:29:14
16 Q. But there was a question about 14:29:17
17 whether it was the, whether it was 14:29:23
18 properly designated as a youth room? 14:29:24
19 A. At some point in the 14:29:27
20 investigation, I'm not sure exactly when, 14:29:28
21 there was a question, I believe the 14:29:31
22 question was asked of the desk officer, 14:29:33
23 was this, in fact, the designated youth 14:29:36
24 room. 14:29:39
25 I, from previous experience, I 14:29:39

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P-APP000966

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1 had known it to be the youth room. 14:29:43

2 Q. Was that the reason that the 14:29:45

3 videotaping was moved from the 20th 14:29:48

4 Precinct to the 24th Precinct? 14:29:50

5 A. Yes, sir. 14:29:51

6 Q. Because there was a question of 14:29:52

7 -- 14:29:57

8 A. Yes, sir. 14:29:57

9 Q. What were the dimensions of that 14:29:57

10 room, bearing in mind you're not good with 14:30:00

11 distances, in relation -- could you 14:30:03

12 describe it as you did in relation to this 14:30:04

13 room that we're in now, the conference 14:30:06

14 room at Beldock, Levine & Hoffman? 14:30:09

15 A. Sure. I would say the length of 14:30:12

16 the room was probably the same, but I 14:30:14

17 would say it's a little wider. 14:30:15

18 MS. DAITZ: Which is wider? 14:30:18

19 A. In other words, push this wall 14:30:20

20 back a couple of feet. It's the room as 14:30:22

21 you come into the precinct, the 20th 14:30:24

22 Precinct, it's directly ahead. 14:30:31

23 Q. That room is still there in 14:30:32

24 2013, it's the same room? I mean, that 14:30:35

25 room hasn't gone anywhere? 14:30:37

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P-APP000967

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1	MS. DAITZ: Objection.	14:30:39
2	A. I haven't been in the 20 in	14:30:39
3	awhile, but I assume that room is still	14:30:42
4	there, yeah.	14:30:44
5	Q. When you began your interview	14:30:45
6	with Raymond, how would you describe his	14:30:46
7	demeanor?	14:30:50
8	A. He seemed, he seemed relaxed.	14:30:52
9	Q. He didn't seem tired?	14:30:58
10	A. No.	14:31:00
11	Q. He didn't seem drawn?	14:31:00
12	A. No.	14:31:03
13	Q. He didn't seem anxious?	14:31:04
14	A. He seemed, he seemed very	14:31:05
15	relaxed and very coherent.	14:31:08
16	Q. And you testified you didn't	14:31:10
17	know when he had first been put in	14:31:17
18	custody.	14:31:20
19	A. That's correct.	14:31:20
20	Q. So if I told you it was	14:31:21
21	approximately ten p.m. on the night of	14:31:26
22	April 19th, you wouldn't know whether that	14:31:28
23	was true or not?	14:31:31
24	MS. DAITZ: Objection to form.	14:31:32
25	A. That's right.	14:31:33

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P-APP000968

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1 Q. You described going to the 102nd 14:31:34
2 Street Cross Drive after you finished the, 14:31:45
3 taking the written statement, Raymond's 14:31:49
4 written statement, correct? 14:31:51

5 A. No. 14:31:52

6 Q. Okay. 14:31:53

7 MR. WAREHAM: Withdrawn. 14:31:55

8 Q. When you went to the 102nd 14:31:56
9 Street Cross Drive with Raymond Santana, 14:32:00
10 Jr. and his father, you said Detective 14:32:04
11 Jonza was with you? 14:32:06

12 A. Yes. 14:32:08

13 Q. Detective Hall? 14:32:08

14 A. No, sir. 14:32:09

15 Q. There were two or three other 14:32:10
16 detectives with you? 14:32:12

17 A. No, sir. 14:32:12

18 Q. It was just one car? 14:32:13

19 A. That's correct. 14:32:14

20 Q. There weren't two cars that went 14:32:17
21 to the 102nd Street Cross Drive when you 14:32:24
22 took Raymond Santana? 14:32:27

23 A. No, sir. 14:32:31

24 Q. So it was just you, Mr. Santana, 14:32:32
25 Raymond and officer, and Detective Jonza? 14:32:41

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P-APP000969

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1 A. Correct. 14:32:45

2 Q. And you drove? 14:32:46

3 A. I drove. 14:32:47

4 Q. Okay. When you went -- when did 14:32:48

5 you first -- was there a time when you -- 14:33:07

6 MR. WAREHAM: Withdrawn. 14:33:15

7 Q. When did you first find out the, 14:33:15

8 that the female jogger who had been beaten 14:33:26

9 and possibly raped was a white woman? 14:33:32

10 MS. DAITZ: Objection to form. 14:33:37

11 A. I'm not exactly sure. It may 14:33:38

12 have been at the briefing at the 20th 14:33:44

13 Precinct. It may have been, it would have 14:33:47

14 to be at the briefing at the 20th. 14:33:49

15 Q. Was there a time you found out 14:33:52

16 the racial identity of the other victims? 14:33:56

17 A. To the best of my recollection 14:34:00

18 as I sit here today, I think it was much 14:34:06

19 later in the investigation. 14:34:08

20 Q. When you say "much later," 14:34:09

21 hours, a day? 14:34:13

22 A. Possibly the next day. 14:34:15

23 Q. Okay. And when was, was there a 14:34:15

24 time you found out the racial identity of 14:34:21

25 the suspects in the attacks in the park? 14:34:26

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P-APP000970

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1 A. Yes. I'm not sure exactly when. 14:34:31
2 I certainly knew that Raymond Santana was 14:34:36
3 Hispanic and, just to go back to your last 14:34:39
4 question, I certainly knew from Raymond's 14:34:45
5 own description in his statement the 14:34:48
6 various races of the victims of the 14:34:51
7 assaults. 14:34:54

8 Q. And would it be fair to say that 14:34:56
9 all of the suspects were either black, 14:35:01
10 either black or Hispanic? 14:35:04

11 A. The suspects that I physically 14:35:07
12 saw, yes, sir. 14:35:10

13 Q. And that all of the victims of 14:35:11
14 the attacks, save possibly one, were 14:35:17
15 white? 14:35:21

16 MS. DAITZ: Objection. 14:35:21

17 A. I don't recall the racial makeup 14:35:21
18 of all of the victims, but they were not 14:35:26
19 all white, no. 14:35:31

20 Q. But the majority were, the vast 14:35:32
21 majority of the victims were white? 14:35:35

22 MS. DAITZ: Objection to form. 14:35:37

23 A. If memory serves me correct, I 14:35:38
24 would say yes, the majority. 14:35:40

25 Q. Did it bother you that a suspect 14:35:43

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P-APP000971

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1 had been accused of rape and possible 14:35:58
2 murder of a white woman? 14:36:04

3 MS. DAITZ: Objection to form. 14:36:05

4 A. I don't quite understand, would 14:36:08
5 it bother me? 14:36:12

6 Q. Right. What was -- 14:36:13

7 A. How would it bother me? 14:36:15

8 Q. What was your reaction to the 14:36:17
9 fact that the victim was a, the victim of 14:36:18
10 the jogger attack was a white woman, and 14:36:22
11 the accused were black and Hispanic? 14:36:25

12 MS. DAITZ: Objection to form. 14:36:28

13 A. Are you asking me how I was 14:36:29
14 affected by that? 14:36:32

15 Q. I'm asking you what was your 14:36:33
16 reaction. 14:36:34

17 A. My reaction that to was my 14:36:35
18 reaction to any other case. I've had 14:36:38
19 white victims, I've had, the majority of 14:36:42
20 my victims were black and Hispanic. I've 14:36:46
21 had white perpetrators, I've had black 14:36:49
22 perpetrators and I've had Hispanic 14:36:53
23 perpetrators. 14:36:56

24 Q. So it didn't bother you that the 14:36:56
25 victim was a white female and the accused 14:36:58

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P-APP000972

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1 the detectives with me on this 14:38:08
2 investigation happened to be African 14:38:10
3 American. 14:38:13

4 Q. You're saying that, suggest that 14:38:14
5 no racial comments were being made because 14:38:16
6 a detective was African American? 14:38:19

7 MS. DAITZ: Objection. 14:38:22

8 A. No, sir. The makeup of all of 14:38:22
9 the detectives involved in this 14:38:26
10 investigation were from every nationality 14:38:26
11 and every race. 14:38:29

12 Q. And you never heard anything 14:38:33
13 around niggers or spics messing with 14:38:35
14 white, raping white women? 14:38:40

15 MS. DAITZ: Objection. 14:38:42

16 A. Certainly not, no, sir. 14:38:42

17 Q. And you never said anything like 14:38:44
18 that? 14:38:45

19 A. No, sir. 14:38:45

20 Q. Was there a point in time when 14:38:46
21 you were at the crime scene and, with ADA 14:38:53
22 Linda Fairstein? 14:38:59

23 A. Yes, sir. 14:39:01

24 Q. When was that, when was the 14:39:02
25 first time? 14:39:04

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NYCLD_044145

P-APP000974

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1 A. About, well, it would be fair to 14:39:04
2 say the only time, the first and only time 14:39:10
3 was a little after 7:00 a.m. on the 14:39:13
4 morning of April 21st. 14:39:17

5 Q. Okay. That was approximately 14:39:19
6 three or four hours after you had been 14:39:24
7 there with Raymond Santana? 14:39:26

8 A. Approximately, yes. 14:39:29

9 Q. And what was the nature of the 14:39:30
10 interaction? 14:39:39

11 MR. WAREHAM: Withdrawn. 14:39:39

12 Q. What was ADA Fairstein doing at 14:39:40
13 the crime scene, what was she doing? 14:39:43

14 MS. DAITZ: Objection. 14:39:45

15 A. ADA Fairstein and I, Detective 14:39:45
16 Jonza, certainly Sergeant O'Connor had a 14:39:52
17 meeting in the 24 Squad, and a decision 14:39:55
18 was made, a joint decision at that time to 14:40:01
19 take two of the suspects to the park. 14:40:04

20 Q. And which two suspects were 14:40:12
21 those? 14:40:15

22 A. Kevin Richardson and Kharey 14:40:15
23 Wise. 14:40:18

24 Q. And do you know why it was -- 14:40:18
25 this was -- 14:40:22

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NYCLD_044146

P-APP000975

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1 MR. WAREHAM: Withdrawn. 14:40:24

2 Q. Had you, during that discussion, 14:40:25

3 had you informed ADA Fairstein that you 14:40:27

4 had already gone to the alleged crime 14:40:32

5 scene with Raymond Santana? 14:40:37

6 MS. DAITZ: Objection. 14:40:38

7 Q. Junior? 14:40:40

8 A. I don't recall our exact 14:40:41

9 conversation, but I probably did tell her. 14:40:43

10 Q. And, to your knowledge, she had 14:40:47

11 not -- well, to your knowledge, had she 14:40:49

12 been to the crime scene prior to you going 14:40:53

13 there at 7:00 a.m. the morning of the 14:40:55

14 21st? 14:40:58

15 A. To my personal knowledge, no. 14:40:58

16 Q. Did she indicate in her 14:41:00

17 discussion that she had been there, in her 14:41:02

18 discussion with you, did she indicate that 14:41:04

19 she had been there? 14:41:06

20 A. No, she did not. 14:41:07

21 Q. And the reasons for taking 14:41:08

22 Kharey Wise and Kevin Richardson there 14:41:17

23 were what? 14:41:22

24 A. Excuse me? 14:41:22

25 Q. What were the reasons that you 14:41:22

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NYCLD_044147

P-APP000976

T3-JM-TS

4949

1 Fairstein - People - Cross - Burns

2 Q Now, between 8:30 and 11:30, did you participate in
3 any questioning of any individuals?

4 A I questioned police officers.

5 Q Just officers.

6 A Right.

7 Q Now, at 11:30, you say, is the first time you --

8 MR. BURNS: Withdrawn.

9 Q At what point in time -- at what point in time did
10 you -- were you aware of the fact that Yusef Salaam was in the
11 20th Precinct?

12 A I have -- I would put it in the 11 o'clock period,
13 but it was between 11 and 11:30.

14 Q And do you have any -- can you tell the Court who
15 told you, or how you came by that information?

16 A I was in a room with a lot of police officers, and,
17 as different events unfolded that evening, because there were
18 many participants, and a lot of police activity, people would
19 enter the room to tell some of the supervisors what was going
20 on.

21 Q And I believe -- and you were functioning as a
22 supervisor?

23 A No. I'm talking about police supervisors.

24 Q But you were working along with the supervisors,
25 were you not?

T3-JM-TS

4950

1 Fairstein - People - Cross - Burns

2 MS. LEDERER: Objection.

3 THE COURT: I'll let her answer it.

4 A I was not supervising a police investigation, no.

5 I was there to assist, and to assist Ms. Lederer, if I
6 could be of any use.

7 Q Well, in the course of your assisting with the
8 investigation, while you were on the second floor squad room,
9 someone came in and mentioned Yusef Salaam, is that it?

10 A Yes.

11 Q And was anything said about his age at that time?

12 A No.

13 Q At that point, you didn't have any -- you didn't
14 know how old he was?

15 A No.

16 Q Did you know that he was a teenager or older? Did
17 you know that?

18 A I didn't know anything.

19 Q Nothing at all?

20 And then, at 11:30, you had a call, that there was a
21 lawyer downstairs?

22 A Not a call. Someone came in.

23 Q And told you?

24 A And said to me, particular.

25 Q You don't know who that person was?

1 T-3 Reynolds-Ppl-cross (Rivera) 909
2 the Assistant District Attorneys and all sworn
3 jurors are present.

4 THE COURT: All right, good afternoon, ladies
5 and gentlemen.

6 THE CLERK: Officer Reynolds, may I remind you
7 you're still under oath.

8 THE WITNESS: Yes.

9 CONTINUING CROSS EXAMINATION

10 BY MR. RIVERA:

11 Q Officer, before we broke, you indicated to us that
12 there was some chiefs and members of the press that were
13 present at the Central Park Precinct; is that correct?

14 A Yes.

15 Q And is that unusual to see top brass at the Central
16 Park Precinct during an arrest?

17 A There is not a lot of arrests there, so, but yeah,
18 I would say it is. Slight.

19 Q Under normal circumstances would it be unusual to
20 see a high member of the brass at any precinct when youths
21 are arrested?

22 MS. LEDERER: Objection.

23 THE COURT: I'll allow it.

24 A It depends on the precinct.

25 Q Are there some precincts where this would not be

E. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera) 910
2 unusual?
3 MS. LEDERER: Objection.
4 A Yes.
5 Q What about the Central Park Precinct, is this
6 unusual at the Central Park Precinct?
7 A Slightly, yes.
8 Q And the same applies for the members of the press?
9 A Yes.
10 Q Is this the first time you make an arrest where you
11 have that kind of brass and that kind of press present?
12 A Yes.
13 Q And at what point in time were you apprised that
14 there case was going to have special significance within the
15 modus operandi of the Police Department.
16 MS. LEDERER: Objection.
17 THE COURT: Sustained.
18 Q Were there any Assistant District Attorneys present
19 at any time when you were involved in this case between
20 April the 19th and April the 20th?
21 MS. LEDERER: Objection.
22 THE COURT: I'll let him answer.
23 A Yes.
24 Q And would that about A.D.A. Lederer?
25 A Yes.

H. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera) 911

2 Q And was there also an A.D.A. Fairstein?

3 A Yes.

4 Q Were there any other members of the District
5 Attorney, District Attorney present, particularly any
6 Assistant District Attorney?

7 A I don't think so.

8 Q And when for the first time did you see an
9 Assistant District Attorney on this matter?

10 A The night of the 20th.

11 Q Prior to the evening of the 20th, you had not seen
12 any A.D.A.s?

13 A Regarding this matter?

14 Q Regarding this case.

15 A No.

16 Q Did you see them in the building or any other
17 buildings involved in the case?

18 A No.

19 Q Prior to the 20th?

20 A No.

21 Q Officer, you testified that you spoke to a police
22 officer Alvarez; is that correct?

23 A Yes.

24 Q And police officer Alvarez informed you of an
25 assault on an individual; is that correct?

H. C. Davis

T4-fr

390

REYNOLDS - PEOPLE - DIRECT - LEDERER

Q At the conclusion of the interview of Lamont McCall, what, if anything, happened?

A At that point he was given an appearance ticket for Family Court.

Q When you say he was given an appearance ticket, who gave him that ticket?

A I did.

Q Did that appearance ticket have a return date?

A Yes.

Q What happened with Lamont McCall at that time?

A He was released to his mother, and given the appearance ticket.

Q Were you present at another interview at that time?

A Yes, I was.

Q Where was that interview conducted?

A That was in the Juvenile room.

Q And is that the lower rectangular room to the bottom of that building on the diagram, People's 1?

A Yes, it is.

Q Who was interviewed second?

10/13/89

NYCLD_023136

P-APP000982

T4-fr

391

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A Clarence Thomas.

3 Q And who was present during the interview of
4 Thomas?

5 A His mother.

6 Q Did you conduct that interview?

7 A No.

8 Q If you know, who conducted that interview?

9 A I believe that was Detective Whelpley.

10 Q Would you please name everyone who was in
11 the Juvenile Room at the time that interview was
12 conducted?

13 A Detective Farrell, Detective Whelpley,
14 Clarence Thomas, his mother, and myself.

15 Q And approximately how long was that
16 interview?

17 A It was approximately an hour, an hour and a
18 half.

19 Q During the time that -- in substance, what
20 did Clarence Thomas say to you?

21 A He stated that they -- the group came into
22 the park at 110th Street and they had no specific
23 plans for that evening, and they started to assault
24 -- they assaulted, I believe, a bum, and then later
25 on went up to the reservoir and assaulted a jogger

10/13/89

NYCLD_023137

P-APP000983

T4-fr

392

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 up there with a pipe.

3 Q And did he identify any of the people who
4 were with him that night in Central Park?

5 A Yes, he did.

6 Q Who did he name?

7 A I'll have to look at my notes to refresh my
8 memory on that. He named Antron McCray and Lamont
9 McCall.

10 Q Did he give any information about Antron
11 McCray?

12 A Yes, he did.

13 Q What, if any, information did he tell you
14 about Antron McCray?

15 A I believe he stated that he had assaulted
16 the jogger.

17 Q Did he give you any information about a
18 description of who Antron McCray was?

19 A He described him as a male black, 14, 15
20 years old, I believe.

21 Q Did he tell you anything about where Antron
22 McCray lived?

23 A He stated he lives on

24 Q What, if anything, happened at the
25 conclusion of the interview of Clarence Thomas?

10/13/89

NYCLD_023138

P-APP000984

T4-fr

393

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A He was released to his mother.

3 Q Was he given anything prior to his release?

4 A He was given an appearance ticket for
5 Family Court.

6 Q And was there a date on that ticket?

7 A Yes, there was.

8 Q And was that the same date that had been on
9 the ticket of Lamont McCall?

10 A Yes.

11 Q What, if anything, did you do after being
12 present for the interview of Clarence Thomas?

13 A After that we went -- later on that
14 afternoon we went back to his house.

15 Q When you say later on that afternoon, what
16 time was it when you --

17 A It was about 11:30.

18 Q Is that in the morning or the evening?

19 A In the morning.

20 Q On what date?

21 A On the 20th of April.

22 Q Who did you go with?

23 A Detective Whelpley and Farrell.

24 Q And where did you go?

25 A We went to his house.

10/13/89

NYCLD_023139

P-APP000985

T4-fr

394

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Whose house?

3 A Clarence Thomas' house. It's

4
5 Q AT what time was Clarence Thomas given a
6 return ticket to come to Family Court,
7 approximately?

8 A It was about 7:30, 8:00.

9 Q And what, if anything, happened between
10 that time and the time you went to Clarence Thomas'
11 home?

12 A Kevin Richardson was interviewed.

13 Q What happened when you arrived at Clarence
14 Thomas' home with the detectives at about 11:30 on
15 the morning of the 20th?

16 A He was informed we wanted to question him
17 further, and his rights were read to him and his
18 mother.

19 Q And was he reinterviewed at his home?

20 A Yes, he was.

21 Q Approximately how long was he spoken to at
22 his home?

23 A I'd say about 15, 20 minutes.

24 Q Did there come a time -- did you conduct
25 that interview?

10/13/8

NYCLD_023140

P-APP000986

T4-fr

395

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No.

3 Q Were you present for that interview?

4 A Yes.

5 Q After that interview was conducted, where
6 did you go?

7 A Then went to to Antron
8 McCray's house.

9 Q Who did you go with?

10 A I went with Detective Farrell and Whelpley
11 and other detectives from Sex Crime.

12 Q What, if anything -- withdrawn.

13 When you left Clarence Thomas' apartment,
14 did you leave alone?

15 A No, I didn't.

16 Q Who came with you?

17 A Detective Whelpley, Detective Farrell, and
18 we met with Detective Rosario and Detective Rivera
19 and Morin from Sex Crimes.

20 Q Did Clarence Thomas and his mother go with
21 you?

22 A Yes, they did.

23 Q Did you travel in the same car with them?

24 A Yes, I did.

25 Q Did you have any conversation with them

10/13/89

T4-fr

396

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 about why they were going with you?

3 A With him and his mother?

4 Q Yes?

5 A No.

6 Q How did you know where to go when you left

7 Clarence Thomas' apartment?

8 MR. JOSEPH: Objection.

9 MR. BERMAN: Objection.

10 THE COURT: I'll allow it.

11 Where were you going?

12 THE WITNESS: We were going to Antron

13 McCray's house.

14 Q How did you know where Antron McCray's
15 house was?

16 A Clarence's mother told us where it was.

17 Q Where did you go to find Antron McCary's
18 apartment?

19 A To

20 Q What happened when you arrived at

21 ?

22 A We knocked on the door and we spoke to
23 Antron's father, Bobby McCray.

24 Q Did you go to the door?

25 A I went to the door, yes.

10/13/89

NYCLD_023142

P-APP000988

T4-fr

397

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Was anyone else with you?

3 A Yes.

4 Q Who was that?

5 A Detective Rosario, Detective Rivera, and
6 Detective Morin.

7 Q Did you personally speak to the person you
8 identified as Bobby McCray?

9 A No.

10 Q Were you present when there was a
11 conversation with him?

12 A Yes.

13 Q Who had that conversation?

14 A Detective Rosario.

15 Q What did you hear him say and what did you
16 hear Bobby McCray respond?

17 A He stated that he wanted to speak to Antron
18 at the Central Park Precinct and that Bobby McCray
19 would have to come with us also because Antron is a
20 juvenile.

21 Q And what happened then?

22 A And he agreed and told Antron to get
23 dressed.

24 Q And did Antron McCray and his father then
25 leave with you?

10/13/89

NYCLD_023143

P-APP000989

T4-fr

398

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A Yes, they did.

3 Q Do you recall whether anyone else from the
4 McCray family came?

5 A His mother came also.

6 Q And did they ride with you or did they ride
7 with someone else?

8 A I believe they rode with the detectives
9 from Sex Crimes.

10 Q What time did you return to the Central
11 Park Precinct, approximately?

12 A I'd say it was after 12:00.

13 Q When Antron McCray came with you -- and
14 left his apartment, what was he wearing?

15 A He had on the clothes that he was wearing
16 the night before. They were --

17 MR. MOORE: Objection.

18 MR. BURNS: Objection.

19 THE COURT: Objection sustained.

20 Do you remember what he was wearing?

21 THE WITNESS: No.

22 Q Was there a conversation with anyone in
23 your presence about what Antron McCray would wear?

24 A Yes.

25 Q What do you remember about that

10/13/84

NYCLD_023144

P-APP000990

T4-fr

399

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 conversation?

3 A Detective Rosario asked Bobby McCray, he
4 asked him if Antron could wear the same clothes he
5 wore the night before, and they agreed.

6 Q Did you notice anything about his clothes
7 when he came out of the apartment?

8 A Yes, they were entirely covered with dry
9 mud.

10 Q When you returned to the Central Park
11 Precinct, did you conduct any interviews of any of
12 the suspects that you already named, that is, Kevin
13 Richardson, Steve Lopez, or Raymond Santana?

14 A No, I didn't.

15 Q And did you at any time conduct or were you
16 present during any interviews with Michael Brisco,
17 Kharey Wise, Antron McCray or Yusaf Salam?

18 A No.

19 Q Did you voucher any property in connection
20 with this case?

21 A No.

22 Q Did you go out and pick up any other
23 suspects in this case?

24 A No, I didn't.

25 MS. LEDERER: Thank you very much.

10/13/89

NYCLD_023145

P-APP000991

T4-fr

383

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 came and began interviewing them one at a time.

3 Q Approximately what time was that if you
4 recall?

5 A I believe that's approximately 5:50 in the
6 morning. Let me refresh my memory with that. I'm
7 sorry, that was approximately 5:30.

8 Q Were you aware when parents of the family
9 returned with food?

10 A Yes.

11 Q Were you aware whether any of that food was
12 given to any of the people you had in the Juvenile
13 room?

14 A Yes.

15 Q Who do you recall seeing have some food in
16 that room?

17 A I believe all of them ate.

18 Q And do you recall whether Raymond Santana
19 made any statement in your presence while he was in
20 that room?

21 A Yes, he did.

22 THE COURT: Which room?

23 Q I'm sorry. In the Juvenile room?

24 A Yes.

25 Q What, if anything, did you hear him say?

10/13/89

NYCLD_023129

P-APP000992

COMPLAINT - INFORMATION
PD 312 (Rev. 11-81)

Date of Report: 4/20/89
Complainant's Name: L.S.
P.S.N.:
Last Name, First:
Home Telephone:

Location of Perpetrator:
Wanted: ☐ Yes ☐ No
Sex: ☐ Male ☐ Female
Race: ☐ White ☐ Black ☐ Hispanic
Height: ☐ Tall ☐ Medium ☐ Short
Weight: ☐ Heavy ☐ Normal ☐ Thin
Build: ☐ Slender ☐ Stocky
Age: ☐ Young ☐ Middle ☐ Old
Complexion: ☐ Fair ☐ Tan ☐ Dark
Hair: ☐ Straight ☐ Wavy ☐ Curly
Eyes: ☐ Blue ☐ Green ☐ Brown
Mouth: ☐ Small ☐ Medium ☐ Large
Nose: ☐ Straight ☐ Hooked
Ears: ☐ Small ☐ Medium ☐ Large
Scars: ☐ None ☐ Yes
Tattoos: ☐ None ☐ Yes
Other: ☐ None ☐ Yes

Area within box for Detective/Latent Fingerprint Officer only. This box will be utilized by investigator whenever possible and must be fully completed when using this form to close a case "NO RESULTS."

Comp. Interviewed: ☐ Yes ☐ No
Witness Interviewed: ☐ Yes ☐ No
Crime Scene Visited: ☐ Yes ☐ No
Witness Viewed Photos: ☐ Yes ☐ No
Crime Scene Dusted: ☐ Yes ☐ No

Details: COMPLAINT: VICTIM FOUND BEAT AND BOUND INSIDE CENTRAL PARK
SUBJECT: INTERVIEW OF CLARENCE THOMAS M/B/14yrs

1) On this date at 0700hrs the undersigned along with Det Whelpley did interview Clarence Thomas M/B/14yrs DOB [redacted] of [redacted] in the presence of his mother Gloria Thomas who lives at the address. Clarence Thomas was under arrest at this time so the undersigned informed him and his mother of their rights from a card. Both Clarence Thomas and his mother Gloria Thomas acknowledge each right by stating yes and on the last right they agreed to answer questions without an attorney present. Clarence Thomas states that he and his friend Antron Mc Gray who lives on [redacted] and goes to JHS 117 (Exact address unknown) were on E 110th St and Madison Ave and they met approx 15 other males all about 13 to 15 yrs old. Clarence states that he did not know all of these males but he did know a guy named Polo who is a M/Bor H/15yrs and he hangs out on E 110th and Madison, a guy named Ralph M/B/15yrs who lives in the Taft projects and he knows Lamont McCall (See OD 5 Det Whelpley Re; Lamont McCall). Clarence states that the group was mixed with blacks and hispanics and that they all went into the park at E 110th and started walking into the park and south. Clarence stated that they were just hanging out that there was no plan on what they were going to do in the park. Clarence states that they entered the park at approx 2010hrs and he remembers the time because he knows that he met the group at 2000hrs and it took them about ten minutes to talk and then walk to the park. Clarence further states that as they walked thru the park some of the guys were throwing rocks at cars but none of the cars stopped except for a cab (yellow) that did stop but did not chase the group. Clarence also states that as they walked thru the park (location unknown) approx eight of the guys saw a male white 40's jogging who was wearing a sweater and blue shorts, and these eight guys started chasing the male white but after a few minutes five of the eight returned to the group stating that the guy got away.


Continued on page two

NYC022226

REYNOLDS EXH. 11

NYCLD_057950

P-APP000993

 COMPLAINT FOLLOW-UP INFORMATIONAL FD-302 (Rev. 12-13-88) (1-800-84)	Page 2	000873 Date of this report 4/20/89
	No. 022 Subsequent No. 281	

DETAILS:

CONTINUED FROM PAGE ONE RE: ASSAULT OF UNIDENTIFIED FEMALE WHITE

INSIDE CENTRAL PARK: INTERVIEW OF CLARENCE THOMAS

Cont; Clarence does not know what happened to the other three guys who chased the male white and states that they were guys he did not know by name that they were friends of Antron Mc Cray. Clarence states that he and the rest of the group continued south in the park and then at approx the middle of the park around 96th St about seven of the guys went after and beat up another jogger at the fence near the reservoir and this was a male white (could supply no further description). Clarence states that he and Antron Mc Cray ran out of the park and after awhile the other guys came out and they all started walking north on Central Park West and as they walked a green van turned into the street and pulled up to the group and one of the guys in the van said that they were the police and that no one should run but everyone ran any way. Clarence states that he ran to W 100th St and turned into the park and he tripped and fell to the ground and the police caught him. Clarence further states that the others all ran in different directions

When questioned about anyone else who the group had hit Clarence stated that there was an old bum who was a male white or hispanic that Lamont Mc Call had hit with his fist in the back of the bum's head and knocked him to the ground. Clarence further stated that the only other person he saw in the park, outside of the three he had mentioned was some people on a bike but that they did not go after them. Clarence states that the Bum was in the middle of the park and that the Bum was wearing a dark blue coat with grayish pants. When asked if anyone in the group had a weapon Clarence stated that there was a M/B in his teens tall wearing blue jeans with patches all over them and a beige trench coat and he had a pipe that was approx 14 inches long with one end taped with black tape. Clarence states that he does not know this tall male's name but that he saw this male take this pipe out of his pants with his right hand when they were at the reservoir with the man who had been beat but he did not see if the tall male hit the male white with the pipe. Clarence states that he was too far away from the seven guys to see who was hitting the white male. At this time Clarence was allowed to go home with his mother and the interview was discontinued

On this date at approx 1130hrs the undersigned along with Det Whelpley were at the home of Clarence Thomas and spoke to Clarence's mother first and told her that Clarence had to be spoken to again. Mrs Thomas invited the undersigned and Det Whelpley into her home and then went and woke up Clarence. Mrs Thomas brought Clarence into her kitchen and he sat down and did Mrs Thomas and at this point the undersigned reminded both of them of their rights and again told them they had the right to have an attorney present before speaking to the police. Both Mrs Thomas and Clarence agreed to speak to us without an attorney present. At this time Clarence stated that the pipe he told us about before was passed back and forth between the tall guy and Antron Mc Cray but Clarence still state that he did not see either of them hit the guy with the pipe. When asked about anyone else being beat in the park by this group, Clarence stated that the Bum Lamont hit but this time Clarence states Lamont beat the Bum with three other guy's and that they really beat the guy by punching and kicking him then they dragged this Bum off the road and on the curb and left him there bleeding. Clarence states he does not know the names of the three guys who beat the Bum with Lamont by name but that Antron might know them. Clarence and his mother agreed to show the undersigned where Antron lived and also agreed to come back to the Central Park Pct with the undersigned. While in auto 8475 Mrs Thomas directed the undersigned and Det Whelpley to [redacted] and stated that Antron lived in this building in apartment [redacted] Det Rosario along with Dets Rivera and Morin from Sex Crimes went into [redacted] and came out with the subject who was identified as Antron Mc Cray and his mother Linda Mc Cray and his father Bobby Mc Cray. Det Rosario informed the undersigned that he requested Mr and Mrs Mc Cray and Antron to come to the CPP and they agreed further Det Rosario asked that Antron wear the clothes he had been wearing before he went to bed and this was also agreed to by both parents and Antron. When Antron exited the building his clothes were covered with dried mud and were very dirty. Mr and Mrs Mc Cray and Antron were transported to the CPP in Sex Crime auto 731 and Mrs Thomas and Clarence were transported in DBMSTF auto 8475.

INVESTIGATION CONTINUING

Reporting Officer's Name and Signature Det [Signature]	Name Printed J FARRELL	File Registry No. 864631	Supervisor's Signature Sgt.	C.O. Initials
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NYC022227

NYCLD_057951

P-APP000994

1 People - Det. Arroyo - Cross - Rivera 2963

2 Q. You don't recall --

3 MR. RIVERA: Withdrawn.

4 Q. You just stated that you don't recall that he said
5 that; is that correct?

6 A. Yes, I don't recall that -- I don't recall that he
7 said that.

8 Q. Okay. Did Raymond tell you that he did not live
9 with his father?

10 A. I don't recall that either.

11 Q. You don't recall any information relative to
12 Raymond's father; is that correct?

13 A. No, that's incorrect.

14 Q. You do recall Raymond saying something about his
15 father; is that correct?

16 A. Yes.

17 Q. What did Raymond tell you about his father?

18 A. Told me he didn't get along with him very well.

19 Q. I'm sorry?

20 A. He told me he didn't get along with him very well.

21 Q. Did he tell you he lived with Raymond?

22 A. I don't recall.

23 Q. Did he tell you he lived with his mother?

24 A. Again, I don't recall.

25 Q. And you were present during the entire questioning

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2964
2 of Raymond by Detective Hartigan; is that correct?

3 MS. LEDERER: Objection.

4 THE COURT: What was your question?

5 MR. RIVERA: That he was present during the
6 entire questioning of Raymond by Detective
7 Hartigan.

8 Q. Is that correct?

9 MS. LEDERER: Objection.

10 THE COURT: I'll let him answer if he was
11 present --

12 Detective Hartigan was present at all times
13 when you were present?

14 THE WITNESS: Detective Hartigan was present
15 when I was present, yes.

16 THE COURT: At all times?

17 THE WITNESS: Except for the times that I
18 left the room, correct.

19 Q. But from 1:40 to 4:40, you were present during the
20 entire questioning of Raymond Santana; is that correct?

21 A. Again, except for those times that I left briefly.

22 Q. Well, when did you leave the room between 1:40 and
23 4:40?

24 A. Well, I left the room to get coffee.

25 Q. Other than that.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2965

2 A. I might have also left the room to get myself a
3 soda. I left the room after the signing of the written
4 statement, and that would take us beyond 4:40 p.m.

5 Q. Okay. Raymond signed the statement at about 4:40;
6 is that correct?

7 A. That's correct.

8 Q. That means that the interrogation of Raymond ended
9 about 4:40, would that be correct?

10 A. That's correct.

11 Q. And did you tell Raymond that the interrogation
12 had ended of Raymond?

13 A. No.

14 Q. You, at no time, informed him that your
15 questioning is over; is that correct?

16 A. No.

17 Q. You just took the statement, left the room and
18 came back several minutes later; is that correct?

19 A. That's correct.

20 Q. Now, you took that statement and brought it to
21 your supervisors; is that correct?

22 A. That's correct.

23 Q. And who, in particular, did you bring Raymond's
24 statement to?

25 MS. LEDERER: Objection.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2966

2 THE COURT: Who did he what?

3 MR. RIVERA: Who did he bring Raymond's
4 statement to.

5 THE COURT: I'll let him answer. I really
6 don't know what it has to do with this hearing.

7 A. I brought the statement to the detective squad
8 room, where Lieutenant Doyle from Manhattan North Homicide
9 was present.

10 Q. Was ADA Fairstein or ADA Lederer present when you
11 went to bring the statement to Lieutenant Doyle?

12 MS. LEDERER: Objection.

13 THE COURT: I'll let him answer that.

14 A. No, they were not.

15 Q. Did you discuss with Lieutenant Doyle the fact
16 that Raymond's grandmother was present and had difficulty
17 with the English language?

18 MS. LEDERER: Objection.

19 THE COURT: Sustained.

20 Q. Did you ever ask Raymond to put into his own words
21 the statement that is People's 20 in evidence?

22 A. Yes, I asked him if he wanted to write it out.

23 Q. And what, if anything, did Raymond say?

24 A. He said no. I offered to write it out and he
25 agreed.

Joseph T. Tierney, CSR, RPR

T10-SC-T5

2498

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Arroyo - Cross - Rivera

Q And that part was not in when you first made out this statement, is that correct?

A That's correct. Because if he had anything additional to add, it would have been added there.

Q But it wasn't in when you read the statement to Ramon?

A That's correct.

Q Now, were you the one who called the district attorney's office to have him come down?

A No, I was not.

Q Were you present when the DAs office showed up?

A Yes.

Q And at about what time did representatives of the DAs office show up?

A I'm not sure exactly what time they showed up. I first encountered the DAs at the 20th Precinct after I was finished at the Central Park Precinct.

Q So, they weren't at the Central Park Precinct?

A Well, I don't recall seeing them there.

Q First time you saw them was at the 20 Precinct, 20th Precinct?

A That's correct.

Q And was this in the morning or in the afternoon that you saw them?

T10-SC-TS

2499

Arroyo - Cross - Rivera

A This was in the evening.

Q And you have no recollection at about what time you saw them?

A No, I don't.

Q And from the district attorney's office did you see at the precinct?

A I saw district attorney Linda Fairstein, district attorney Liz Lederer and district attorney Tim Clements.

Q Do you know who Linda Fairstein is in the hierarchy of the district attorney's office?

A Yes.

Q And who is she?

A She was the sex crimes senior trial lawyer for the DAs office.

Q Was she the chief of the sex crime unit for the DAs office?

A I'm not exactly sure what her rank was, but she held some position along those lines at that time.

Q She had a position within the district attorney's office, a high position within the DAs office, is that correct?

A Well, I would assume you would call it that, yeah.

Q And you saw them there on the evening of April the 20th, am I correct in that?

T10-SC-TS

2500

1 Arroyo - Cross - Rivera

2 A Yes.

3 Q And the job of a district attorney, the primary job
4 of the district attorney is to assist the police in getting a
5 statement from a defendant?

6 A That's not correct.

7 Q They assist the police in getting a video statement
8 from the defendant, is that correct?

9 A They did perform video statements, yes.

10 Q When you got the statement from Ramon Santana, you
11 didn't run out and call the DAs office and say we got a
12 statement from Defendant Santana, come on down so we can make
13 a video of it?

14 A Absolutely not.

15 Q You waited to get statements from all defendants
16 before you called the DAs office?

17 MR. CLEMENTS: Objection.

18 THE COURT: Objection sustained.

19 Q And so -- were you present when a video statement
20 was taken of Ramon Santana?

21 A Yes, I was.

22 Q And who else was present in the room?

23 A Ramon Santana, Ramon Santana, Sr., district attorney
24 Liz Lederer and detective Mike Sheehan.

25 Q And yourself, is that correct?

T10-SC-TS

2501

1 Arroyo - Cross - Rivera

2 A And myself.

3 Q And detective Sheehan is from the Manhattan North
4 Homicide?

5 A That's correct.

6 Q Did you escort Ramon into the video room?

7 A I don't recall. I don't believe I did. I don't
8 recall if I did escort him.

9 Q Did you at any point in time tell Ramon that they
10 were going to take a video statement of him?

11 A No, I don't recall.

12 Q When you finished questioning Ramon at 4:40 in the
13 afternoon, did you say Ramon, you got to wait around because
14 we're going to take a video statement of you?

15 A You got to what?

16 Q You have to wait around because we're going to take
17 a video statement of you?

18 A No, I didn't tell him that.

19 Q It was your testimony you went up and you gave a
20 statement that you took from Ramon Santana to one of the
21 supervisors, is that correct, detective supervisors?

22 A That's correct.

23 Q Was that detective supervisor Lieutenant Doyle?

24 A That's correct.

25 Q And this was the commanding officer of the homicide

1 Hartigan/cross/Mr. Moore 2592

2 J O H N H A R T I G A N, was recalled as a witness in
3 behalf of the People, having previously been duly sworn,
4 continues to testify as follows:

5 MR. MOORE: May we approach?

6 THE COURT: Yes.

7 (Whereupon, there was a bench conference among
8 all counsel with the court out of the hearing and
9 presence of the jury.)

10 (Pause)

11 THE CLERK: Detective, having been previously
12 been sworn, you're still under oath.

13 THE WITNESS: Yes, sir.

14 THE COURT: Members of the jury, you recall Mr.
15 Hartigan was here previously, was interrupted. And
16 we are going to resume his examination today, cross
17 examination by Mr. Moore.

18 CROSS EXAMINATION

19 BY MR. MOORE:.

20 Q Mr. Hartigan, good morning.

21 A Good morning, sir.

22 Q You indicated in previous cross examination by Mr.
23 Diller that you retired from the N Y P D sometime in July of
24 1989, am I correct?

25 A Yes, sir.

1 Hartigan/cross/Mr. Moore 2593

2 Q You also indicated that you were a patrolman for
3 five years and that you were a detective for twenty years,
4 am I correct?

5 A In the detective division for twenty years, yes,
6 sir.

7 Q How long were you with the Manhattan North homicide
8 detective unit?

9 A Three years.

10 Q And during your tenure with Manhattan North, Mr.
11 Hartigan, how many cases, homicide cases have you
12 investigated?

13 A It's hard to say. It's a large number of homicides
14 that we did. We worked on old homicides. We worked on new
15 homicides as they came in. We went back on old homicides.

16 Q And what percentage of those cases have resulted in
17 arrests?

18 MS. LEDERER: Objection.

19 THE COURT: Objection sustained.

20 Q Now, have those cases that you worked on, what
21 percentage of the defendants in those cases have been black
22 and Hispanic males?

23 MS. LEDERER: Objection.

24 THE COURT: Sustained.

25 Q Of those cases that you have worked on, what

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P-APP001004

1 Hartigan/cross/Mr. Moore 2594

2 percentage of those cases have been based on statements?

3 MS. LEDERER: Objection.

4 THE COURT: Sustained.

5 Q Now, you've indicated, Mr. Hartigan, that you have
6 in the course of your investigation, you have dealt with
7 young people, am I correct?

8 A Yes, sir.

9 Q Would you say in a large percentage of your cases
10 or a small percentage of those cases?

11 A I'd say a small percentage.

12 Q Now, in April 20, 1989 your tour of duty was from 8
13 o'clock in the morning to 4 o'clock in the afternoon, am I
14 correct?

15 A Yes, sir.

16 Q And in fact, Detective Hartigan, you were fairly
17 busy on that particular day, were you not?

18 A Pardon me?

19 Q You were fairly busy on April 20th, were you not?

20 A Yes, sir.

21 Q As a matter of fact, you participated in the
22 interview of Kevin Richardson from 9:40 in the morning until
23 about 1 o'clock in the afternoon, am I not correct?

24 A From about 10 o'clock in the morning, yes, sir.

25 Q Until about 1 o'clock?

1 Hartigan/cross/Mr. Moore 2595

2 A Yes, sir.

3 Q And that interview resulted in a statement from
4 Kevin Richardson, am I not correct?

5 MS. LEDERER: Objection as to form.

6 THE COURT: Objection as to form is sustained.

7 Q Well, after the interview Kevin Richardson did give
8 you a statement, is that correct?

9 A Kevin Richardson was giving a statement at the time
10 I sat in on the interview.

11 Q Yeah. And he gave you a statement, a written
12 statement?

13 A Yes, sir.

14 Q And from 1 to 6 o'clock you participated in the
15 interview of Raymond Santana, am I correct?

16 A Yes, sir.

17 Q And that was from 1 to 6 o'clock?

18 A I can't recall exactly what -- I believe it was 1
19 -- 4 to 6 o'clock. I can not exactly recall the hour.

20 Q And at the end of the interview Raymond Santana
21 signed a statement, isn't that correct?

22 A Yes, sir.

23 Q And, as a matter of fact, during your examination
24 of Raymond Santana from 1 to 4 o'clock you asked him
25 repeatedly --

1 Hartigan/cross/Mr. Moore 2596

2 MS. LEDERER: Objection.

3 THE COURT: He didn't say he interviewed him
4 from 1 to 4 o'clock.

5 Q Well, your interview of Raymond Santana was roughly
6 from 1 to 5 o'clock, is that correct?

7 A I can't recall what time it ended, sir.

8 MS. LEDERER: Your Honor, can I request a
9 sidebar with the line of questioning Mr. Moore is
10 about to proceed?

11 THE COURT: Yes.

12 (Whereupon, the following occurred at
13 sidebar:).

14 MS. LEDERER: Your Honor, I requested a sidebar
15 because Mr. Moore appears to be beginning a line of
16 questioning about questions that were put to
17 Raymond Santana. I would ask for an offer of
18 proof.

19 MR. MOORE: First of all, you in your direct
20 brought out the fact that he had questioned or
21 interviewed Raymond Santana.

22 MS. LEDERER: That's right. That was the only
23 question I asked him.

24 MR. MOORE: Let me just finish. You also
25 showed Raymond Santana's clothing. I intend to

1 Hartigan/cross/Mr. Moore 2597

2 show that this officer had a pattern of practice
3 not only of interviewing people, but also of
4 getting statements from almost all the individuals
5 that he interviewed. And that certainly is
6 relevant to the whole --

7 THE COURT: That he got statements from these
8 people?

9 MR. MOORE: Yeah.

10 THE COURT: All right.

11 MS. LEDERER: I didn't object to that question.
12 You just asked him that. What you were starting
13 to ask him, isn't it a fact that you repeatedly
14 asked him during that interview, and I --

15 THE COURT: If you're trying to bring out the
16 substance of the statements -- I thought that was
17 the purpose of our visit --

18 MR. MOORE: No. I'm just showing that he asked
19 him about his involvement in the assault on the
20 jogger. I did not give him his involvement with
21 the assault.

22 THE COURT: You can not do that. You can ask
23 him if he took a statement from him, answer no.
24 But the contents of that statement --

25 MR. MOORE: I just wanted to ask him a question

1 Hartigan/cross/Mr. Moore 2598
2 about whether he got the statement from the female
3 jogger when Raymond Santana --

4 THE COURT: Same ruling. I will sustain the
5 objection.

6 MR. MOORE: Okay. I'll ask him about whether
7 there was a statement.

8 THE COURT: Okay.

9 MS. LEDERER: Just while we're here, so that I
10 think the record should be clear, that line of
11 questioning would not be permitted with Steven
12 Lopez or with any of the other non-defendants in
13 this case that this detective interviewed.

14 THE COURT: For the same reason. They're not
15 admissible statements. They're hearsay.

16 MR. MOORE: I'm not bringing the statements in.

17 THE COURT: That he took the statement, fine.

18 MS. LEDERER: That the witness was produced,
19 fine. But the substance of any statement by
20 another person --

21 MR. MOORE: I understand.

22 THE COURT: Okay.

23 (Whereupon, the following occurred in open
24 court:).

25 MR. MOORE: Could you just read back the last

1 Hartigan/cross/Mr. Moore 2599

2 question.

3 THE COURT: The last question was objected to.

4 Q Officer, so that I can understand clearly, you
5 indicated that you did interview Raymond Santana sometime in
6 the afternoon from 1 to 4 or 4 to 6, is that correct?

7 A Yes.

8 Q After this interview, Raymond Santana signed a
9 statement, is that correct?

10 A It was during the interview he signed the
11 statement, yes.

12 Q And there came a time later on that evening from
13 6:30 to 9 o'clock that you also interviewed Steven Lopez, is
14 that correct?

15 A I interviewed Steven Lopez. But I don't recall the
16 times.

17 Q And at the end of that interview Steven Lopez
18 signed a statement, correct?

19 A Yes, sir.

20 Q And that morning from 12:30 until about 3 o'clock
21 you interviewed Kharey Wise, am I correct?

22 A Yes, sir.

23 Q And at the end of that interview again Kharey Wise
24 signed a statement?

25 A Yes, sir.

1 Hartigan/cross/Mr. Moore 2600

2 Q And from about 2:30 to 3 o'clock that very morning
3 you participated in a videotaped statement by Raymond
4 Santana, is that correct?

5 A I can't recall if I did or not, sir.

6 Q But you were aware of the fact that there was a
7 videotape of Raymond Santana?

8 A I don't recall.

9 Q And about 3 o'clock that morning you transported
10 Kevin Richardson to the 24th Precinct, am I not correct?

11 A Either I was transported with him or with his
12 family, yes.

13 Q And sometime about 4:50 that morning Kevin
14 Richardson participated in a videotaped statement, is that
15 correct?

16 A Yes, sir.

17 Q And you were present?

18 A Yes, sir.

19 Q And about 8 o'clock the next morning you took Kevin
20 Richardson to the crime scene, am I not correct?

21 A Yes, sir.

22 Q From 8 to 9 o'clock, is that correct?

23 A I don't believe it was that -- exactly 9 o'clock.
24 But I would say around there.

25 Q And then about 9:30 you came back to the 24th

1 Hartigan/cross/Mr. Moore 2601

2 Precinct and you took a second statement from Kharey Wise,
3 am I not correct?

4 A Yes, sir.

5 Q And then about 12:30 that day until about 1:50
6 Kharey Wise participated in a videotaped statement, am I not
7 correct?

8 A I don't know the times. But he did participate in
9 a statement, yes, a video statement, yes.

10 Q And sometime during that videotaped statement you
11 came and you slipped a note to the assistant district
12 attorney Miss Lederer, am I correct?

13 A Yes, sir.

14 Q And then sometime at 3:15 later on that evening you
15 were present when Kharey Wise participated in a second
16 videotaped statement?

17 A Yes, sir.

18 Q So wouldn't you say, officer, that in those twelve
19 hours you were a very busy detective, weren't you?

20 A We were all busy. Yes, sir.

21 Q I see. You interviewed a series of young people
22 and in almost all of the cases they made statements, isn't
23 that correct?

24 MS. LEDERER: Objection as to form.

25 THE COURT: I'll allow it.

1 Hartigan/cross/Mr. Moore 2602

2 A Yes, sir.

3 Q I see. Now, Detective Hartigan, with respect to
4 Kevin Richardson, you indicated that you came sometime about
5 10 o'clock that morning to the Central Park Precinct?

6 A Yes, sir.

7 Q And you knew at that time, did you not, that a
8 female jogger had been found assaulted somewhere in Central
9 Park, isn't that correct?

10 A Yes, sir.

11 Q You also knew that there were a group of young
12 people who were being held for the assault on a male jogger
13 called John Loughlin around by the reservoir, isn't that
14 correct?

15 A I didn't know the male jogger's name, no.

16 Q Well, you were aware of the fact that they were
17 being held for the assault on a male jogger at the
18 reservoir?

19 A I was aware that they were being held for a series
20 of assaults.

21 Q For a series of assaults?

22 A Yes, sir.

23 Q Not only on the assault on the gentleman of the
24 reservoir but another assault in the park, am I correct?

25 A I didn't know exactly what the assaults took place.

1 Hartigan/cross/Mr. Moore 2603

2 I didn't know. I didn't have firsthand knowledge of what
3 assaults had taken place.

4 Q But you were aware of a series of assaults?

5 A That's what I understand, yes, sir.

6 Q And you were aware, when you responded to the
7 precinct, were you not, that these young men were suspected
8 of being involved in the assault on the female jogger, isn't
9 that correct?

10 A I would assume yes.

11 Q And you were also aware when you went to the
12 precinct that Detective Gonzalez was interviewing Kevin
13 Richardson, am I correct?

14 A I'm sorry?

15 Q Detective Gonzalez was interviewing.

16 A Was I aware of what, sir?

17 Q That he was interviewing Kevin Richardson?

18 A No. I didn't learn that until I had gone into the
19 youth room.

20 Q When you went into the youth room you saw him
21 interviewing Kevin Richardson, am I correct?

22 A Yes.

23 Q And he was asking Kevin Richardson questions and
24 Kevin Richardson was responding?

25 A At that time I didn't pay attention what was going

SNIEHAN - PEOPLE - DIRECT - LEDERER

3650

minutes.

I, I then advised Raymond I was going into another room, and that when his father got back here, to please ask him to wait for me, I would out in a few minutes.

Q Did there come a time where you were notified regarding Mr. Santana's senior presence at the precinct?

A Yes, ma'am.

Q Would you describe what happened?

A After eight o'clock, again, I'm not positive on the time, but after eight, and before nine, I was at a briefing in the rear room of the 20th Squad, which would be on the east, it's the east side of the squad, and I was advised by another detective that Mr. Santana senior had arrived.

Q Did you return to the area where Raymond Santana, Jr., the defendant, was?

A Yes, I did.

Q And what happened when you returned to that location?

A His father was there with him. We shook hands. I introduced myself.

And I advised Mr. Santana, Sr. again that we were going to take a statement, and wanted him to

SHEEHAN - PEOPLE - DIRECT - LEDERER

3651

be present.

I also advised him at that time that there were members of the District Attorney's Office who probably are going to want to videotape any statement that he gave, and his presence would also be required.

Q Did there come a time where you took -- where you interviewed Raymond Santana, Jr.?

Did there come a time where you conducted an interview of Raymond Santana, the defendant?

A Yes, ma'am.

Q Approximately what time did that interview begin?

A Ten after 10:00 PM.

Q Where was that interview conducted?

A On the first floor of the 20th Precinct in the Youth Room.

Q Were you able to conduct that interview in that room immediately upon Raymond Santana's father arriving at the precinct?

A No. The Youth Room was being utilized, and we had to wait.

Q Would you describe how it came about that the interview began with Raymond Santana, and who was present?

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

SHEEHAN - PEOPLE - DIRECT - LEDERER

3652

A We entered the room, it was myself, Detective Jonza, Raymond Santana, Sr. and Raymond Santana, Jr. We all entered the room.

there was a desk or a table.

I sat your side if we were to use the prosecution table, I sat where you're sitting, Mr. Jonza sat where Mr. Clements is sitting. Raymond sat right over here, at this edge, and his father sat to his left, slightly to the rear.

Q Prior to going into the Youth Room to conduct the interview with Raymond Santana, had you had occasion to see a written statement that had been prepared and signed by Raymond Santana?

A Yes, I did.

Q When, for the first time, did you see a written statement that Raymond Santana had made prior to your interview?

A Shortly before, I don't know how long, but certainly enough time to peruse it.

Q Did Detective Hartigen show you that statement when you saw Detective Hartigen and Raymond Santana in the Youth Room of the Central Park Precinct?

A No, he did not.

Q Did he tell you the contents of that statement

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

1 SHERMAN - PEOPLE - DIRECT - LEDERER 3653
2 at that time, when you saw him at the Central Park
3 Precinct?
4 A No, he did not.
5 Q Describe how the interview with Raymond Santana
6 began?
7 A Detective Jonza signed us into a logbook
8 that was on the desk.
9 I, I introduced us once again, Jonza.
10 I then advised Santana, Sr. and Santana,
11 Jr. that I was going to read the Miranda warnings,
12 which I did, from a Police Department handout.
13 MS. LEDERER: I would ask this please
14 be marked as People's 179 for identification.
15 (People's Exhibit 179 marked for identifica-
16 tion.)
17 MS. LEDERER: I would ask if that could
18 please be shown to the witness, please.
19 (Handed up to and examined by the witness.)
20 Q Do you recognize People's 179 for identification?
21 A Yes, I do.
22 Q And what do you recognize that to be?
23 A This was the card that I used to read the
24 Miranda warning.
25 Q Are those the rights that you read to

T4-SC-TS

3679

1 Sheehan - People - Direct - Lederer
2 are you able to hear teletype machines, telephones and
3 typewriters from the 124 room?

4 A Yes, ma'am. Because the walls do not go all the way
5 to the ceiling.

6 Q Are there doors or gates to any of the rooms in the
7 first floor of the 24th Precinct?

8 A What used to be the 124 room is now the arrest
9 processing center where the uniformed force takes their
10 prisoners. It's right behind a desk and there is a door there
11 that's been slamming forever.

12 Q Are you able to hear the slamming of that door from
13 inside the youth room at the 24th Precinct?

14 A Yes, you are.

15 Q Did there come a time a video taped statement was
16 taken from Raymond Santana, Jr.?

17 A Yes.

18 Q Approximately what time did that happen?

19 A Approximately 2:30 in the morning.

20 Q Where did that happen?

21 A That happened at the 24th Precinct, in that little
22 room I just described, the youth room.

23 Q Who was present at the time that video taped
24 statement was taken?

25 A Raymond Santana, Jr., Raymond Santana, Sr., myself,

T4-SC-TS

3680

1 Sheehan - People - Direct - Lederer
2 detective Burt Arroyo, a video tape technician and you were.

3 Q Approximately how long did that interview last?

4 A Approximately half an hour, a couple of minutes
5 after three.

6 Q After that interview was concluded, was a second
7 video tape done of Raymond Santana?

8 A Yes, about fifteen minutes later there was a second
9 video tape done where Raymond was asked to stand, put on his
10 outer garment, a jacket and a cap. And that was done for the
11 purposes of recording the clothing he was wearing.

12 MS. LEDERER: If I can ask to please have this
13 marked as People's 181 for identification.

14 (Whereupon, the Reporter marked the
15 abovementioned exhibit, as requested.)

16 Q Detective, were you present from the very beginning
17 of the videotape interview to the very end of the interview of
18 Raymond Santana, Jr.?

19 A Yes, I was.

20 Q And were you present from the beginning of the
21 recording of the clothing that he was wearing to the very end
22 of that recording?

23 A Yes, I was.

24 Q I ask you to please look at what's been marked as
25 People's 181 for identification. Do you recognize People's

1 Hartigan/cross/Mr. Moore

2656

2 correct?

3 A I can't recall what he said in the videotape.

4 Q With respect to this case, officer, did you ever
5 ascertain what time the female jogger was attacked?

6 MS. LEDERER: Objection.

7 THE COURT: Sustained.

8 (Pause)

9 Q And did you make any attempts, officer, to verify
10 the accuracy of the allegations made by Kevin Richardson?

11 MS. LEDERER: Objection.

12 THE COURT: Sustained. We've been all through
13 that, counsel.

14 (Pause)

15 Q Now, Mr. Hartigan, there came a time when you spoke
16 to Kharey Wise, am I correct?

17 A Yes, sir.

18 Q And what time was that?

19 A 12:30 a.m. on the 21st of April.

20 Q Now, you interviewed him in the sex crimes room of
21 the 20th Precinct, am I not correct?

22 A Yes, sir.

23 Q And so from the time when you interviewed him you
24 had a suspicion, did you not, that he was somehow involved
25 in a sexual assault on a female jogger?

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NYCLD_018334

P-APP001021

1 Hartigan/cross/Mr. Moore

26257

2 A Yes, sir.

3 Q Now, do you know the name of the officer who
4 brought Kharey Wise into the precinct?

5 A No.

6 Q Did you ever try to find out the name of the
7 officer?

8 A No.

9 Q Do you know a Detective Freck, John Freck?

10 A Yes, I do.

11 Q Is he from Manhattan North?

12 A Yes, he is.

13 Q And do you not recall that it was Detective Freck
14 who brought Kharey Wise?

15 A No, I don't. I didn't recall it. No.

16 Q And were you also aware of the fact that Eddie De
17 LaPaz had been brought to the 20th Precinct?

18 A I had no knowledge of Eddie De LaPaz being brought
19 to the 20th Precinct.

20 Q Now, when Kharey Wise came into the 20th Precinct
21 on the morning of April 20th --

22 A 21st.

23 Q -- 21st?

24 A Yes, sir.

25 Q Was he under arrest?

1 Hartigan/cross/Mr. Moore 261258

2 A I don't know.

3 Q Were you the officer who was assigned to interview

4 him?

5 A Yes.

6 Q And are you telling the jury that you, the assigned

7 officer, did not know whether he was under arrest?

8 MS. LEDERER: Objection.

9 THE COURT: I'll let him answer.

10 A I didn't know he was going to be placed under

11 arrest or not. I didn't know that.

12 Q Did you know whether at the time when you began the

13 interview of him was he under arrest?

14 A No. I didn't know if he was under arrest at that

15 time. No.

16 Q Does that mean he may have been under arrest?

17 A If they had deemed that he was one of the

18 principals and that he was under arrest, then he would have

19 been under arrest.

20 Q You say "they." Who are you referring to?

21 A I had no personal contribution as to who was being

22 placed under arrest. It was not my job. That was not my

23 aspect of the investigation. I wasn't placing anybody under

24 arrest.

25 Q You were the person who was assigned to interview

1 Hartigan/cross/Mr. Moore

260259

2 him, right?

3 A To do an interview, yes.

4 Q So was he free to leave?

5 A I don't know, sir. If he was under arrest he
6 wasn't free to leave. If he wasn't under arrest he was free
7 to leave.

8 Q You didn't find out from your superiors whether he
9 was under arrest or not?

10 A At that time, no.

11 Q Now, when you first saw Kharey Wise you told him
12 about certain incidents in Central Park that night, didn't
13 you?

14 A No. He told me.

15 Q Don't you recall that it was you who initiated the
16 conversation, officer?

17 A Oh, yes, sir.

18 Q And did you not tell him about the incidents in
19 Central Park?

20 A I didn't tell him about any incidents in Central
21 Park. I told him there was something that happened in
22 Central Park.

23 Q So is it your testimony that you did not tell him
24 what incidents in Central Park that night?

25 A I didn't mention anything, joggers, female joggers

1 Hartigan/cross/Mr. Moore 26 7 8

2 Q I'm asking you exactly what he said as you can
3 recall.

4 A If I recall correctly, that's exactly what he said.
5 I asked him what time were you and where were you. And he
6 told me.

7 Q He mentioned to you that he was with a girlfriend
8 Lisa, am I correct?

9 A Yes, sir.

10 Q He gave Lisa's apartment number, am I correct?

11 A Yes.

12 Q At any time on the 21st did you speak to Lisa?

13 A No.

14 Q But he indicated to you that he was with this
15 woman, am I correct?

16 A Yes, sir.

17 Q Then he also mentioned to you that he and a
18 gentleman called Eddie De LaPaz went into the park, am I
19 correct?

20 A Yes.

21 Q Now, there came a time subsequent to this, after
22 the -- withdrawn.

23 There came a time later on the next day when you took a
24 second statement from Kharey Wise, am I correct?

25 A Yes, sir.

1 Hartigan/cross/Mr. Moore 26481

2 A I asked him if that was true. He acknowledged that

3 it was true.

4 Q You asked him at the end of the statement?

5 A Yes.

6 Q But you didn't ask him as you went through

7 sentence-by-sentence, did you?

8 A I believe he was doing that with me. As I was

9 reading, I was reading each word.

10 Q You believe. Did he or did he not?

11 MS. LEDERER: Objection.

12 THE COURT: Please. You can't both talk at the

13 same time.

14 What is your question?

15 Q Did you ask him sentence-by-sentence whether he

16 understood what each sentence meant?

17 A No.

18 Q Now, there came a time when he signed the

19 statement, am I correct?

20 A Yes, sir.

21 Q And Detective John Hartigan and yourself also

22 signed the statement, am I correct?

23 A I'm John Hartigan.

24 Q I'm sorry. Detective Robert Nugent?

25 A Yes, sir.

1 Hartigan/cross/Mr. Moore 26482

2 Q Was Robert Nugent in the room throughout the entire
3 interview?

4 A Yes, sir.

5 Q Now, at any time during the interview, officer, did
6 you ask Kharey Wise if he wanted anything to eat?

7 A I can't recall if I did or not. I don't think I
8 asked him if he wanted anything to eat, no.

9 Q You didn't ask him if he wanted anything to drink?

10 A I might have.

11 Q You can't recall?

12 A I can't recall.

13 Q Now, after he finished the statement, what action
14 did you take or what did you do?

15 A I went back downstairs to the 20th squad-room.

16 Q And you left him alone?

17 A No. I left him upstairs in the Sex Crimes Squad.

18 Q Did you leave him with someone?

19 A There was police officers up there watching
20 everybody, whoever was still upstairs in that room.

21 Q Was Detective Nugent with him when you left?

22 A Yes. I believe so, yes.

23 Q Now, after you left Kharey Wise you were involved
24 in other matters, am I not correct?

25 A After I left Kharey Wise?

1 Det. Hartigan / Defense / Cross (Moore) 2712
2 with Mr. Santana, earlier that evening?

3 A. Yes.

4 Q. And do you recall that there came a time --

5 MS. LEDERER: Objection.

6 THE COURT: I don't know what the question
7 is.

8 MS. LEDERER: May we have a side bar?

9 THE COURT: Yes.

10 (The following is a sidebar conversation
11 outside the hearing of the jury.)

12 MS. LEDERER: It appears to me that Mr. Moore
13 is trying to ask questions about whether this
14 detective prefers to interview young people by
15 themselves without the presence of a parent.

16 I am aware that Raymond Santana had a
17 conversation with the detective out of the
18 presence of the father.

19 If that's where Mr. Moore is going, it's
20 objectionable and he shouldn't be allowed to ask
21 the question.

22 THE COURT: I will allow the question. You
23 can ask him on redirect how he came to do it.

24 (Open court.)

25 Q. Mr. Hartigan, do you recall earlier that evening

Michael Frankel, Sr. Court Reporter

1 Det. Hartigan / Defense / Cross (Moore)

2713

2 that you had a conversation with Mr. Raymond Santana?

3 A. Early that day, yes. The 20th I had a
4 conversation with him.

5 Q. That's correct.

6 And you were asking him questions about his
7 involvement with the female jogger. Do you remember that?

8 A. No, I didn't ask him any questions about the
9 female jogger.

10 Again, he had told us what had happened.

11 Q. Okay.

12 But there came a time when he gave you some
13 information in a statement. Is that correct?

14 A. He gave us a statement.

15 Q. And you took down his statement. Am I correct?

16 A. Yes.

17 Q. And in that statement he had not mentioned about
18 the female jogger. Do you remember that?

19 A. Yes, sir.

20 Q. Do you remember that there came a time when his
21 father and his grandmother, -- I'm sorry, his father had
22 left the precinct? Do you remember? That was outside of
23 the precinct?

24 A. There was different times. I believe his father
25 was there early in the morning and left and then again he

Michael Frankel, Sr. Court Reporter

1 Det. Hartigan / Defense / Cross (Moore) 2714
2 left during the conversation that I was having with Santana,
3 yes.

4 Q. That's correct.

5 He left during that conversation. And when his
6 father had left, then you asked him questions about his
7 involvement --

8 A. No.

9 Q. When the father left, he told you about his
10 involvement with the female jogger. Is that correct?

11 A. He asked his father for permission to talk to me
12 by himself and his father granted it.

13 Q. During the time his father was not there is when
14 he told you about his involvement with the female jogger?

15 A. Yes.

16 Q. Isn't that correct?

17 A. Yes.

18 Q. Now, with respect to Eddie De La Paz, you
19 indicated that you wanted to take him to the precinct. Am I
20 correct?

21 A. I asked him if he would accompany us to the
22 precinct, yes.

23 Q. And the purpose of taking him to the precinct, was
24 to ask him questions. Was it not?

25 A. To take a statement from him, yes.

Michael Frankel, Sr. Court Reporter

1 Det. Hartigan / Defense / Cross (Moore)

2718

2 A. I don't know.

3 Q. That was in fact Detective Kelly. Wasn't it?

4 A. I don't know.

5 Q. Well, did you ever speak to the detective who was
6 assigned to speak with Al Morris?

7 A. No.

8 Q. So Detective Kelly didn't tell you that Al Morris
9 was with Kharey Wise?

10 MS. LEDERER: Objection.

11 THE COURT: Objection sustained.

12 Q. Or is it that you didn't want to hear what
13 information Al Morris was going to tell you?

14 A. There was just too many people. It was just too
15 much to absorb.

16 Q. Now, there came a time when you went back to the
17 24th Precinct. Am I correct?

18 A. When?

19 Q. After you spoke to Eddie De La Paz, you went back
20 to the 24th Precinct. Am I correct?

21 A. Yes, sir.

22 Q. Then you put some information in a note and you
23 handed it to Miss Lederer?

24 A. Yes.

25 Q. And this information said that you had spoken to

Michael Frankel, Sr. Court Reporter

Det. Hartigan / Defense / Cross (Moore)

2719

Al Morris and Al Morris had not verified what Kharey Wise had said?

A. No. I never spoke to Al Morris. I spoke to Eddie De La Paz.

Q. I'm sorry. My mistake.

You indicated you spoke to Eddie De La Paz?

A. Yes, sir.

Q. And Eddie De La Paz said he wasn't with Kharey Wise?

A. Yes.

Q. At that stage when you gave the information to the district attorney, you remained room. Didn't you?

A. No, I did not.

Q. And did you know that the district attorney had told Kharey Wise what you had told him about -- I'm sorry, Eddie De La Paz?

A. No.

Q. You didn't know that?

A. I didn't know if she did or not.

Q. Now, after that there came a time when Kharey Wise finished his video taped statement. Isn't that correct?

A. Yes, sir.

Q. At this time when he finished the first video taped statement, was he under arrest?

Michael Frankel, Sr. Court Reporter

1 Hartigan/redirect/People 2733

2 A Justice got what it wanted.

3 MR. MOORE: No further questions.

4 THE COURT: Do you have anything else?

5 REDIRECT EXAMINATION

6 BY MS. LEDERER:.

7 Q Detective, if I might take you back to the
8 interview of Kevin Richardson. Do you recall when you were
9 here earlier you were cross-examined by Mr. Diller? Do you
10 recall the questions he put to you?

11 A Yes.

12 Q And do you recall him asking you a series of
13 questions as to whether you promised the Richardsons, Kevin
14 Richardson or anybody from his family, that Kevin Richardson
15 can go home if he made a statement? Do you recall those
16 questions Mr. Diller put to you?

17 A Yes.

18 Q On the morning of April 20th during the time that
19 you were interviewing Kevin Richardson and during the time
20 that he was writing a statement, did you ever have a
21 conversation with anyone from the Richardson family about
22 Kevin Richardson?

23 A Yes.

24 Q And do you recall who you spoke to at that time?

25 A Gracie Cuffee, the sister.

1 Hartigan/redirect/People 2734

2 Q Was that conversation at the Central Park Precinct?

3 A Yes, it was.

4 Q And did you say anything to Angela Cuffee about
5 Kevin Richardson at that time?

6 A Yes.

7 Q What did you say to her?

8 A I -- generally I spoke to her that Kevin had a
9 lot going for him. He was young. He was -- I had met a
10 lot of people during the course of my time in the police
11 department, a lot of young people who couldn't read or
12 write. Kevin was intelligent. He was articulate, could
13 read, he could write. And that he had a lot going for him.

14 Q Did you in that conversation with Angela Cuffee,
15 did you have any conversation about what would happen with
16 Kevin Richardson with respect to the statements he had made
17 to you?

18 A Yes. I told her that I didn't know what was going
19 to happen, but this wasn't the end of the world for Kevin.
20 That it wasn't up to us, the police department. But he
21 could possibly be given youthful offender treatment by the
22 courts and that he would have no record at the age of
23 eighteen.

24 Q In that conversation did you indicate to her that
25 this case would be going to court?

1 Hartigan/redirect/People 2735

2 A I assumed that she understood that this case was
3 going to court.

4 MR. DILLER: Objection.

5 THE COURT: Objection sustained what she
6 understood.

7 Q Did you use words to her telling her that this case
8 was going to court?

9 A I don't know if I did or not.

10 Q When you talked about youthful offender treatment,
11 what exactly did you say to Angela Cuffee?

12 A That the court could give him youthful offender
13 treatment, and that he would have no police record after the
14 age of eighteen.

15 Q Did you promise her that would happen in this case?

16 A No. I told her we had no control -- the police
17 department had no control over it. But this is what
18 possibly could happen.

19 Q Did you tell her who had control over that?

20 A The courts.

21 Q Detective, during the 20th and 21st, and the 22nd
22 and in the course of this investigation, were other
23 detectives other than yourself conducting interviews?

24 A Yes.

25 Q Did you personally do an interview of Antron

1 Hartigan/redirect/People 2736
2 McCray?
3 A No.
4 Q Did other detectives do that interview?
5 A Yes.
6 Q Did you personally interview Yusef Salaam?
7 A No.
8 Q Did other detectives do that interview?
9 A Yes.
10 Q Did you personally interview Jermaine Robinson?
11 A No.
12 Q Did other detectives do that interview?
13 A Yes.
14 Q Did you personally interview Jomo Smith?
15 A No.
16 Q Did other detectives do that interview?
17 A Yes.
18 Q Did you personally interview Alfred Morris?
19 A No.
20 Q Did other detectives do that interview?
21 A Yes.
22 Q Did you personally interview Clarence Thomas?
23 A No.
24 Q Did other detectives do those interviews?
25 A Yes.

T7-1f

COLLOQUY

1668

Michael Sheehan.

D E T. M I C H A E L S H E E H A N, Shield 421,
Manhattan North Homicide, New York City Police
Department, having been called as a witness by
the People, having been first duly sworn,
testified under oath as follows:

COURT OFFICER: Would you give us your
name, spell your last name, your shield
number and present assignment.

THE WITNESS: Detective Michael
Sheehan, S-H-E-E-H-A-N; Shield 421, NYPD,
Manhattan North Homicide Squad.

DIRECT EXAMINATION

BY MR. CLEMENTS:

Q Detective, I'd like to direct your
attention to April 20, 1989. Did you work on that
day?

A Yes, sir, I did.

Q And what shift did you work?

A Four in the afternoon to 1:00 in the
morning.

Q Did you receive an assignment shortly after
you arrived for work?

A Yes, I did.

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T7-1f

1 SHEEHAN - PEOPLE - DIRECT - CLEMENTS

1669

2 Q And what was that assignment?

3 A I left the Manhattan North office about ten
4 after one, and responded to Central Park Squad.

5 Q Did you arrive at Central Park?

6 A Yes, I did.

7 Q WWhen you got there, did you receive another
8 assignment?

9 A Yes, sir, I went to Central Park to aid in
10 the investigation of an assault on a victim that was
11 likely to die. Upon reaching the Central Park
12 Squad, I was surprised of a couple of facts by my
13 immediate supervisor, Sergeant O'Connor.

14 I was then asked to accompany the uniformed
15 force on a search. The search was for a weapon,
16 namely, a length of pipe.

17 MR. BURNS: A what?

18 THE WITNESS: A length of pipe.

19 Q Where did that search take place?

20 A The search took place in the vicinity of
21 West 97th Street and Central Park West; actually
22 inside the park walls.

23 Q Did you recover a pipe or was a pipe
24 recovered in your presence?

25 A No, sir.

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P-APP001038

T7-1f

1 SHEEHAN - PEOPLE - DIRECT - CLEMENTS

1670

2 Q At the conclusion of that search, what did
3 you do?

4 A At the conclusion of the search, I
5 responded back to the Central Park Squad and had a
6 conversation with, again, Sergeant O'Connor and
7 Detective John Hartigan.

8 Q What time did you return to the Central
9 Park Squad?

10 A I returned to the Central Park Squad
11 somewhere in the vicinity of 5:30 p.m.

12 MR. BURNS: I'm sorry, 5:30 p.m.?

13 THE WITNESS: That's correct.

14 THE COURT: What time was it that you
15 said you went in search of the weapon?

16 THE WITNESS: Shortly after 4:00, your
17 Honor. Let's say 4:30.

18 THE COURT: Okay.

19 MR. BURNS: Again p.m.?

20 THE WITNESS: p.m.

21 Q When did you speak to John Hartigan?

22 A I spoke with John Hartigan in the Central
23 Park Precinct, there is a separate building across
24 the alleyway from the main building. It is the
25 auxiliary police building. It also houses the Youth

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1 SHEEHAN - PEOPLE - DIRECT - CLEMENTS

2 Room. It was in that building, in the Youth Room,
3 that I spoke with John Hartigan.

4 Q And would you relate the nature of the
5 conversation?

6 A Sure. Hartigan advised me that he had
7 taken a statement from -- Raymond Santana, who was
8 seated at a desk in that room. He had also advised
9 me. that Santana wished to add certain things to the
10 statement, and that it was impossible for him to
11 continue, because there was no parents or guardian
12 present for Santana.

13 Also, during this I was advised by
14 O'Connor, Sergeant O'Connor that the entire
15 investigation was going to be moved out of the
16 Central Park Precinct to the west side of West 82nd
17 Street into the 20th Precinct which was probably a
18 better facility to handle an investigation of this
19 size.

20 Q You were at the Central Park Precinct,
21 would you describe the conditions around the
22 precinct at that time?

23 A Well, Central Park Precinct is an old
24 stationhouse. There is not a lot of room. There is
25 not a lot of individual rooms to do interviews.

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T7-1f

SHEEHAN - PEOPLE - DIRECT - CLEMENTS

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Also, in this case, there's only a small youth room. It's also a bad place to conduct a confidential investigation, especially in a matter of this nature with the press.

The press had arrived. There were quite a few people arriving from the media. And they began to gather. There's actually an alleyway that divides the two main parts of the stationhouse. It's unlike any other in the City.

Q After speaking to Sergeant O'Connor and to Detective Hartigan, did you receive another assignment in connection with this case?

A Yes, I did.

Q And what was that?

A The assignment was to take Raymond Santana in our car. I was with Detective Jonza, J-O-N-Z-A, and Rudy Hall, H-A-L-L, both from the Manhattan North Homicide Squad. We were to take Santana from the Central Park Stationhouse to the 20th, notify his father, try to make some arrangements to get his father down to the 20th Precinct, and then take an updated, more complete statement.

Q Did there come a time when you left the Central Park Precinct?

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T8-fr

1677

1 SHEEHAN - PEOPLE - DIRECT - CLEMENTS

2 Telephone Company, or whatever, but there was a hole
3 in the street protected by barriers. I went to that
4 hole, jumped in myself, and examined it. It was
5 only about two feet deep. There was no pipe.

6 Q After you looked for the pipe at 100th
7 Street and Central Park West, where did you go next?

8 A We all got back in the car, that is to say
9 myself, Rudy Hall, Augie Jonza, and Raymond Santana.
10 We drove from 100th Street and Columbus Avenue south
11 to the 20th Precinct, which is located at 82nd
12 Street, West 82nd Street between Columbus and
13 Amsterdam.

14 Q Was anything else said in the car?

15 A On the way from that site to the 20th
16 Precinct, Mr. Santana said, "I had nothing to do
17 with the rape. All I did is feel the woman's tits.
18 I had nothing to do with the rape."

19 Q Did you ask him any questions in the car?

20 A No, I didn't.

21 Q Was there any conversation in the car?

22 A No, there wasn't.

23 Q When you arrived at the 20th Precinct,
24 where did you go?

25 A Upon arrival at the 20th Precinct, went to

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T8-fr

1678

SHEEHAN - PEOPLE - DIRECT - CLEMENTS

the second floor, the 20th Detective Squad. We entered. As you walk into the squad, to the left there's a desk by a window which would be -- if you were looking at it in the scheme, it's the west wall of the 20th squad.

MR. CLEMENTS: With the Court's permission, I would like the witness to get off the stand and look at what's been received as People's 3 in evidence.

(Witness approaches People's 3 in evidence.)

Q Do you recognize People's 3, Detective?

A Let me get my bearings, yes, I do.

Q And what do you recognize it to be?

A This is a schematic drawing of the second floor of the 20th Precinct. These offices here are the 20th Detective Squad.

MR. CLEMENTS: Indicating, for the record, the offices on the lower half of People's 3 in evidence.

Q How did you get to the second floor with Raymond Santana?

A Came in the main entrance of the precinct, which would be here, and up the staircase

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Arthur Clements

make you think that it was a bad idea? Were you worried that it's not appropriate or not a good thing to take statements from kids that are that young?

MR. MYERBERG: Objection.

A. No, I didn't have any concern about that. The statements were being taken in the youth room with parents or guardians present.

Q. Did it ever cross your mind that these were young children, did you ever think of them in that way?

MR. MYERBERG: Again, up to arraignment or at that time?

MS. FISHER-BYRIALSEN: At that time.

MR. MYERBERG: Objection.

A. No, I didn't have any concern. To the extent I knew their ages, I knew statements were being taken by people who were less than 16.

Q. We talked about where the case was assigned earlier, and I asked you if ADA Fairstein was supervising ADA Lederer and you said no. Do you know if anyone was supervising

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Arthur Clements

her, anyone at all from the DA's office?

MR. MYERBERG: Objection.

A. I think I testified earlier that I did not, I did not know specifically, you know, what Linda Fairstein's role at the precinct was, but that from my perspective, ADA Lederer was assigned to the case. So her supervisor would have been our boss, John Hogan, the Chief of Trial Bureau 40.

Q. During your first period at the 24th Precinct up to the interview of or up to the conclusion of the statement by Clarence Thomas, did you ever see John Hogan at the precinct?

A. No.

Q. Did you ever see any other supervisors from Trial Bureau 40 at the precinct? You mentioned earlier there was one other person other than John Hogan.

MR. MYERBERG: Objection.

Q. Dan McNulty, did you ever see him at the precinct?

MR. MYERBERG: Objection.

A. No, I did not see Dan McNulty at

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1 Arthur Clements

2 the precinct but I wouldn't have expected to see
3 him there.

4 Q. Why not?

5 A. Because Elizabeth Lederer was
6 qualified to handle homicide cases, and
7 Assistants who went to precincts on, you know,
8 homicide call typically did not have supervisors
9 with them at the precinct, they handled that on
10 their own.

11 Q. In regards to this case at that
12 time, did you think of her as your superior?

13 A. Who?

14 Q. ADA Lederer.

15 A. At that time in 1989, I thought
16 that John Hogan and Dan McNulty and another
17 deputy bureau chief, if there was one, were my
18 supervisors.

19 (Mr. Warren entered the room.)

20 MS. FISHER-BYRIALSEN: Just for the
21 record, Michael Warren just came in. This
22 is Mr. Clements.

23 MR. WARREN: Yes, we met.

24 MS. FISHER-BYRIALSEN: Just let the
25 record reflect Mr. Warren is here.

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A Yes, I was.

Q And what, if anything, did you hear Kharey say?

A That he would come into the station house with us.

Q And was Kharey Wise handcuffed at that time?

A No, nobody was handcuffed.

Q Where did you go when you left the ?

A Went down to the lobby and to our car.

Q How many cars did you have?

A We had two unmarked police cars.

Q And did you ride in one of the cars?

A Yes, I did.

Q Who did you ride with?

A Detective Hall and Yusaf Salaam.

Q And where did Yusaf Salaam ride in the car?

A In the back seat.

Q Do you know where Kharey went?

A Kharey went into the other unmarked vehicle with Detective Bier and Detective Freck.

Q Was Yusaf Salaam handcuffed when he rode in the car?

A No, he was not.

1599

1 TAGLIONI - PEOPLE - DIRECT

2 Q Did you have any conversation with Yusaf
3 Salaam on the way after you left

4 A No, I did not.

5 Q Did you hear any conversation between him
6 and anybody else in the car, the other detective?

7 A I don't recall it, no.

8 Q Where did you go?

9 A I went to the 20th Precinct.

10 Q And where did you go when you arrived at the
11 20th Precinct?

12 A When we arrived at the 20th Precinct, we
13 were directed to go upstairs to the third floor to
14 the Sex Crimes office.

15 Q Directing your attention to People's 4 in
16 evidence, the third floor of the 20th Precinct,
17 could you please step down from the witness stand
18 and approach People's 4 in evidence and indicate,
19 please, where you went with Yusaf Salaam when you
20 arrived.

21 A Okay. We took the stairway up to the third
22 floor. We entered the Sex Crimes office, which is
23 over here, and I took Yusaf into this room right
24 here in the Sex Crimes office.

25 MS. LEDERER: The record should reflect

1600

1 TAGLIONI - PEOPLE - DIRECT

2 the witness is indicating a small room off
3 of a longer room. It has three file
4 cabinets and something-- and one desk in
5 that room.

6 You may resume the witness stand. Thank
7 you.

8 (Witness complies.)

9 Q Now, what did you do when you arrived in
10 that room with Yusaf Salaam?

11 A I sat there and I waited for someone,
12 another detective to come to do the interview.

13 Q Did you have any conversation with Yusaf
14 Salaam while you sat there in that room with him?

15 A No, I did not.

16 Q Was he seated or standing?

17 A He was seated.

18 Q And approximately how much time elapsed
19 before the arrival of a detective to conduct an
20 interview?

21 A I'm not sure, but I'd say anywhere from
22 fifteen to twenty minutes.

23 Q And do you know the name of the detective
24 who arrived within that fifteen to twenty minute
25 period?

1601

1 TAGLIONI - PEOPLE - DIRECT

2 A Yes, I do. Detective Thomas McKenna from
3 Manhattan North Homicide.

4 Q Were you present when Detective McKenna came
5 into the room?

6 A Yes, I was.

7 Q Approximately what time was it-- withdrawn.

8 What, if anything, did he say or do when he came
9 into the room?

10 A When he came into the room, I introduced him
11 to Yusaf, told him who he was, Detective McKenna
12 from the Homicide Squad, that he would be talking to
13 him.

14 With this Detective McKenna also introduced
15 himself to Yusaf, read him his rights, and at that
16 point I left the office.

17 Q Were you present when the rights were read?

18 A Yes, I was.

19 Q And did you see whether they were read from
20 a card or were they given by memory?

21 A No, they were read from a card.

22 Q Were you present-- well, withdrawn.

23 When the rights were read, did Yusaf respond in
24 any way when the rights were read?

25 A Yes, he did.

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P-APP001050

1602

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25

Q What do you recall his response or responses to be?

A "Yes," to all the answers.

Q When-- did there come a time that you left the third floor?

A Yes, there did.

Q And where did you go when you left the third floor of the 20th Precinct?

A I went down to the second floor to the squad, the 20th squad room.

Q Did there come a time where you returned to the room where you had left Yusaf and Detective McKenna?

A Yes, there was.

Q Approximately how much time elapsed from the time that Detective McKenna came into that room until the time that you returned, as best as you can recall?

Well, let me rephrase the question. I'm sorry.

From the time that you left the room, not when Detective McKenna came in, how much time were you away from that room before you returned?

A I'd-- I really-- I don't know. I believe twenty minutes, maybe more.

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P-APP001051

1603

1 TAGLIONI - PEOPLE - DIRECT

2 Q And do you recall for what reason-- what did
3 you do when you returned to the room?

4 A I asked McKenna for the pad he was writing
5 on, his notebook, his spiral book.

6 MR. MADDOX: May that answer be read
7 back?

8 THE COURT: Read it back, please.

9 (The court reporter read back the
10 requested portion of the record.)

11 Q And do you recall what, if anything, you did
12 with that spiral book?

13 A Yes, I took it down to the second floor. I
14 gave it to one of my supervisors.

15 Q Did there come a time where you returned
16 that spiral book to Detective McKenna?

17 A Yes.

18 Q And approximately how much time after you
19 took it from him did you return it to him?

20 A A few minutes.

21 Q Sometime after you had taken Detective
22 McKenna's steno book and returned it to him did you
23 have occasion to go to the first floor of the 20th
24 Precinct?

25 A Yes, I did.

1 TAGLIONI - PEOPLE - DIRECT

1604

2 Q And how was it that you came to go to the
3 first floor?

4 A I was instructed to go downstairs by one of
5 my supervisors to talk to Yusaf's mother who had
6 arrived at the station house sometime before that.

7 Q And do you recall who told you to go
8 downstairs?

9 A Again, it was one of my supervisors, either
10 the sergeant or the lieutenant.

11 Q Did you then go downstairs and have a
12 conversation with Yusaf Salaam's mother?

13 A Yes, I did.

14 Q And what time was it, as best you recall,
15 that you had a conversation with the defendant's
16 mother?

17 A It was sometime between twelve and one
18 o'clock in the morning.

19 Q Do you recall where you had that
20 conversation with Yusaf Salaam's mother?

21 A Yes, I do.

22 Q And if you could please step down for a
23 moment and approach the easel, People's 2 in
24 evidence.

25 (Witness complies.)

1605

1 TAGLIONI - PEOPLE - DIRECT

2 Q Would you indicate, please, where you had a
3 conversation with her.

4 A Okay. I had it right by the main desk,
5 standing right about over here, by the back exit.

6 MS. LEDERER: The record should reflect
7 that the witness is indicating outside a
8 room that is marked "morgue," and near a
9 "generator room."

10 Q How many people were present at the
11 conversation you had with Yusaf Salaam's mother?

12 A At least four.

13 Q And do you know the names of any of those
14 people?

15 A No, I do not.

16 Q Would you please tell us-- you may resume
17 the witness stand.

18 (Witness complies.)

19 Q What, if anything, did she say to you and
20 what did you say to her in the course of that
21 conversation?

22 A When we came down, I identified myself as
23 Detective Taglioni. She identified herself as
24 Mrs.-- as Yusaf's mother. I don't know her first
25 name.

1606

TAGLIONI - PEOPLE - DIRECT

1
2 She was concerned about her child, you know, if
3 he was being abused and I assured her (blank on
4 tape) that he wasn't. ER.

5 I said, "We're upstairs. They're talking to him
6 right now."

7 With that she said, "Well, you shouldn't be
8 talking to him because he's only fifteen years old."

I/LF

9
10 Q What, if anything, did you say to her when
11 she told you that her son was only fifteen years
12 old?

13 A I had told her that he showed us proof of
14 age that he was sixteen years old and that's the
15 reason we were talking to him.

16 Q And what did she say at that point?

17 A Well, she said he was fifteen years old.

18 At that point I went upstairs. I told my
19 supervisors these facts, and then I went upstairs to
20 the third floor where Detective McKenna was talking
21 to him and asked him to come out of the room and
22 advised him of the fact Yusaf may, in fact, be only
23 fifteen years old and there may be an attorney.

24 An attorney was downstairs, a federal attorney.

25 Q Let me just back up for a moment. Did you

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1607

TAGLIONI - PEOPLE - DIRECT

1
2 ever, prior to going upstairs to Detective McKenna
3 to tell him to interrupt the interview, have a
4 conversation with anyone who identified himself as
5 an attorney?

6 A No, I didn't have a conversation, no.

7 Q In the conversation you referred to with
8 Mrs. Salaam or Yusaf's mother, was that the only
9 conversation you had with her up until that point?

10 A Well, I had a conversation again with her
11 later on.

12 Q Up until that point, was that the first
13 conversation you had with her?

14 A Yes, it was.

15 Q Did she tell you in that conversation there
16 was someone there, an attorney on behalf of her son?

17 A No. She told me she had a friend there that
18 was an attorney. She never told me he was
19 representing her son.

20 Q Did she tell you anything about his relation
21 to the family?

22 A Yes, that he was a friend of the family's
23 and he was a federal attorney.

24 Q And this conversation-- I'm sorry. She said
25 he was what?

1608

TAGLIONI - PEOPLE - DIRECT

1

2

A A federal attorney.

3

Q Did she explain to you what that meant?

4

A No, and I didn't ask her.

5

6

Q The information you are just telling us about hearing this person was a federal attorney who was a friend of the family, when did you learn that?

8

A When I first spoke to her the first time.

9

Q Was that in the same conversation that she told you Yusaf Salaam was fifteen years old?

11

A Yes, it was.

12

Q Will you tell us now when you went upstairs and spoke to Detective McKenna, after this conversation with her, what, if anything, did you say to her?

16

A I told Detective McKenna that we had a problem, that Yusaf might be fifteen years old and that there was an attorney downstairs. I didn't know if the attorney was representing him or not, that he stated-- that his mother stated that he was a friend of the family.

22

At this point Detective McKenna said, "That's it, we can't talk to him anymore."

24

Q How much time went by from the time that you had this conversation with Mrs. Salaam until you

25

1609

1 TAGLIONI - PEOPLE - DIRECT

2 went upstairs and interrupted the interview with
3 Detective McKenna?

4 A It couldn't have been more than five minutes
5 tops.

6 Q After you had the conversation with Mrs.
7 Salaam wherein she told you what you just described
8 to us, what was the very next thing you did?

9 A I directly-- I went upstairs. I told my
10 supervisors and then went directly upstairs to
11 Detective McKenna.

12 Q Did you do anything else other than tell
13 your supervisor and then go tell Detective McKenna?

14 A No, I did not.

15 Q After the conversation you had with
16 Detective McKenna, what was the next thing you did?

17 A I then went back downstairs and had a
18 further conversation with Yusaf's mother, Mrs.
19 Salaam.

20 Q And did you tell her what you had just done
21 with respect to Detective McKenna?

22 MR. MOORE: Objection as to form.

23 THE COURT: I will allow it.

24 A Yes, I told her the detective that was
25 speaking to him was informed he was fifteen years

1610

TABLIONI - PEOPLE - DIRECT

1
2 old, and that he would not be spoken to anymore.

3 Q And did you have a further conversation with
4 Mrs. Salaam at that point?

5 A Yes, I did.

6 Q Would you please tell us what you said to
7 her and what she said to you.

8 A She asked me if she would be able to talk to
9 Yusaf. I told her I would confer with my
10 supervisors, which I did, and permission was given
11 for her to speak to him.

12 Q Going back for a moment to the first
13 conversation you had with Mrs. Salaam, about how
14 long did you speak to her at that point?

15 A I really don't-- I'm not sure.

16 Q The second conversation that you were
17 describing where she asked to speak to Yusaf, do you
18 recall approximately how long that conversation
19 lasted?

20 A Five, ten minutes, maybe.

21 Q And after you had that conversation-- did
22 you speak to someone about arranging for Mrs. Salaam
23 to see Yusaf?

24 A Yes, I did.

25 Q And do you know who it was that you spoke

1611

TABLIONI - PEOPLE - DIRECT

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to?

A Again, it was one of my supervisors. I'm not sure if it was the sergeant or the lieutenant.

Q What, if anything, did you do after you spoke to the sergeant or the lieutenant?

A I went back downstairs and informed Mrs. Salaam that she would be allowed to speak to him. I then went upstairs and took Yusaf down to the first floor.

Q Where did you find Yusaf when you went upstairs?

A In the same room where I had put him earlier.

Q Was anyone speaking with him at that time?

A No.

Q What did you do when you went upstairs and found Yusaf on the third floor?

A I told him his mother was downstairs and would like to speak to him.

Q What, if anything, did you do with respect to that?

A I took Yusaf downstairs to the first floor.

Q Was he handcuffed?

A No, he was not.

1612

TAGLIONI - PEOPLE - DIRECT

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Q And when you took him down to the first floor, could you just approach People's 2 in evidence and show us where you brought him and where his mother was.

A Again, we were down in the main room by the main desk (indicating). His mother was still standing here with the people (indicating). His mother and Yusaf went over into this corner and that's where they spoke (indicating).

Q And were you present at the time that they spoke?

A Yes, I was still standing over here (indicating).

Q From where you were standing were you able to hear what they were saying?

A No, I could not.

MS. LEDERER: Thank you, you may resume the witness stand.

(Witness complies.)

Q You made reference to some other people in addition to Yusaf Salaam's mother. Was there anyone else there with respect to Yusaf Salaam?

A Yes. There were a couple of women and a male.

1613

1 TAGLIONI - PEOPLE - DIRECT

2 Q Do you know their names?

3 A No, I do not.

4 Q And approximately how long did Yusaf speak
5 to his mother at that point?

6 A He spoke to her for quite awhile. I don't
7 know the amount of time, but a couple times I had to
8 interrupt and tell her we had to bring him upstairs.
9 So it was quite awhile.

10 Q Can you approximate the amount of time?

11 A No, I couldn't.

12 Q At some point did you take Yusaf someplace
13 else?

14 A Yes. After he was finished speaking with
15 his mother we brought him back upstairs.

16 Q When you took him upstairs after he had
17 spoken with his mother, where did you take him?

18 A I believe it was back up to the third floor
19 again.

20 Q After you brought Yusaf back upstairs, did
21 you have any further conversation with the
22 defendant's mother?

23 A Yes, I did.

24 Q And would you tell us how much after you
25 brought him upstairs was that conversation?

NYCLD_006930

P-APP001062

1614

TAGLIONI - PEOPLE - DIRECT

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A Five, ten minutes; ten minutes.

Q And where did that conversation take place?

A Also on the third (sic) floor but at a different location than where we had spoke to her before. That's-- as soon as you come into the main entrance there is a bench against the wall. She was sitting there with this federal attorney who turned out to be a family friend.

Q When you say this federal attorney, did you actually meet that person at that time?

A Yes, I did.

Q And was that the first time you met him that evening?

A No, it was not.

The first time I spoke to him?

Q Yes.

A It was the first time I actually spoke to him, yes.

Q Did you have a conversation with the defendant's mother and the person you've described as a federal attorney?

A Yes, I did.

Q Would you tell us, please, what they said and what you said.

1615

TAGLIONI - PEOPLE - DIRECT

1
2 A Mrs. Salaam stated that he was a friend of
3 the family. I believe she used the term "a big
4 brother."

5 With that he asked me what the procedure was
6 now. And I thought that was a little strange that
7 an attorney was asking me about--

8 MR. MOORE: Objection.

9 THE COURT: Yes.

10 Don't tell us what you thought.

11 A He asked me what the criminal procedures
12 were. I explained that Yusaf would be brought down
13 to court and he would go in front of a judge for
14 arraignment.

15 Q And did they ask you any other questions
16 about anything, about the procedure or what would
17 happen at that point?

18 A After I explained to him, you know, the
19 whole arrest procedure, that was the only
20 conversation I had with them.

21 Q And about how long was that conversation, if
22 you recall?

23 A Maybe twenty minutes, fifteen minutes,
24 twenty-five minutes. I'm really not sure.

25 Q What happened after you had that

1616

1 TAGLIONI - PEOPLE - DIRECT

2 conversation?

3 A I believe they left the station house and I
4 went back upstairs to the second floor.

5 Q Did you have any further conversation with
6 Yusaf Salaam after you spoke to Detective McKenna
7 and told him not to continue the interview?

8 A No, I did not.

9 MS. LEDERER: If I may have just one
10 moment, please.

11 Q At any time-- well, withdrawn.

12 MS. LEDERER: I have nothing further.
13 Thank you very much.

14 THE COURT: Mr. Burns.

15 MR. BURNS: Let me have a second, Judge.

16 THE COURT: Yes.

17 (Mr. Burns and his client confer.)

18 MR. MOORE: Excuse me, your Honor, one
19 moment. May I just approach?

20 (Discussion was held off the record.)

21 CROSS EXAMINATION

22 BY MR. BURNS:

23 Q Detective Taglioni, my name is Robert Burns
24 and I represent Yusaf Salaam.

25 You and I, we have never met, have we?

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1498
2 time. They were throwing stones at the cars, and
3 they came across this bum. They let the bum pass.
4 There was an individual that went and knocked him
5 down. They went over and beat him. They kicked
6 him. They took his food and his beer.

7 Someone had poured the beer on him.
8 Somebody else had taken his food. They dragged him
9 off the side of the road and left him laying in the
10 grass.

11 Then he stated they started roaming through
12 the park, and then they tried to catch individuals.
13 There was a guy and a girl that were riding a
14 bicycle built for two. They tried to get them.
15 They got away from them.

16 Then there came a time they grabbed a
17 jogger, and they knocked him down to the ground and
18 hit him with a pipe. And then they left the park,
19 that the police had come.

20 They ran back into the park. They hid in
21 the park, in the mud. And then he and another
22 individual went home to his house.

23 Q Let me just go back for just a moment,
24 Detective.

25 Prior to beginning this interview, did you

10/24/89

NYCLD_016983

P-APP001066

T5-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1499

2 have a conversation with Detective Gonzalez?

3 A No, I did not.

4 Q Prior to beginning this interview, did you
5 have a conversation with anybody from the Police
6 Department with respect to any investigation that
7 had been conducted up until that point?

8 A No, I did not.

9 Q Did you have any knowledge at all about
10 what happened in Central Park on the night of the
11 19th, prior to beginning the interview of Antron
12 McCray?

13 A Other than there had been a woman that had
14 been found assaulted and raped and near death.

15 Q And had anybody at all told you anything at
16 all about what had happened in the park that night?

17 A No, they did not.

18 Q In the course of taking a statement of
19 Clarence Thomas, had he made any statements about
20 what happened in Central Park?

21 MR. JOSEPH: Objection, Judge.

22 THE COURT: Prior to what?

23 MS. LEDERER: In the course of taking
24 the statement of Clarence Thomas, had he
25 made any statements about what happened in

10/24/89

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1500

2 Central Park?

3 THE COURT: I will allow it.

4 MR. JOSEPH: The witness already said
5 nobody told him about it. The Assistant
6 may not be happy with the answer or maybe
7 she is. I don't know.

8 THE COURT: I don't know either, but I
9 will let him answer the question.

10 Q Had Clarence Thomas made any statement
11 about what happened in Central Park on the night of
12 the 19th prior to the interview of Antron McCray?

13 A Prior to conducting the interview of Antron
14 McCray?

15 Q Had Clarence Thomas made any statement
16 about what happened in Central Park on the night of
17 the 19th, prior to the interview of Antron McCray?

18 MR. JOSEPH: Objection.

19 THE COURT: I will allow it.

20 A Yes, he did.

21 Q At the time you conducted the interview of
22 Antron McCray, was he handcuffed?

23 A No, he was not.

24 Q You described a moment ago a statement that
25 Antron McCray made to you after you asked him what

10/24/89

NYCLD_016985

P-APP001068

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1501
2 had happened in Central Park on the night of April
3 19th? In the course of his making that statement,
4 did he speak freely or did you interrupt and ask
5 questions?

6 A In the beginning I let him talk freely.

7 Q And during the time that he said to you
8 what you have just told us he said to you, was that
9 during the time that he was speaking freely; or was
10 that a time that you were asking him questions?

11 A Repeat that, please.

12 Q You have just described a statement that he
13 made when you asked him what happened in Central
14 Park, when he made that statement? Did he speak
15 freely or was this in response to questions put to
16 him?

17 MR. JOSEPH: Objection to the form.

18 THE COURT: I don't know about
19 "freely".

20 Q Was he speaking without interruption or
21 were you interrupting the questions?

22 A He was speaking without interruption.

23 Q What, if anything, happened -- withdrawn.

24 During the time he said those things to
25 you, did either of his parents speak?

10/24/89

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1502

2 A No, not at that time.

3 Q What, if anything, happened after he made
4 the statement that you've just described to us?

5 A I felt he was not telling us --

6 MR. JOSEPH: Objection.

7 THE COURT: Objection sustained.

8 What happened after that?

9 MS. LEDERER: May I withdraw the
10 question and ask another question?

11 THE COURT: Yes.

12 Q Was there anything you observed about
13 Antron McCray's behavior during the time he made
14 that statement to you?

15 MR. JOSEPH: Objection.

16 THE COURT: I will allow it.

17 Just describe what you saw; not your
18 mental state.

19 THE WITNESS: I saw he was very
20 fidgety in the seat.

21 MR. JOSEPH: Objection to that.

22 THE COURT: I will allow it.

23 A (Continuing) He was -- at times he had eye
24 contact with me. When he was speaking to me, he
25 would constantly look down at the ground.

10/24/89

NYCLD_016987

P-APP001070

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1503

2 Q And after he made that statement to you
3 that you've already described, what happened next?

4 A We went outside -- I went outside into the
5 hall with Detectives McCabe, Gonzalez, and Mr.
6 McCray.

7 Q And did you have a conversation outside of
8 the hall?

9 A Yes.

10 Q Would you tell us who spoke and what was
11 said?

12 A I spoke to Mr. McCray.

13 Q What, if anything, did you say to him?

14 A I informed him that I felt that his son was
15 not being completely truthful with us. That he was
16 holding back some vital information that might help
17 us in this case.

18 Q Did the -- did Mr. McCray respond when you
19 said that to him?

20 A Yes, he did.

21 Q What, if anything, did he say to you?

22 A He also felt that his son was not being --

23 MR. JOSEPH: Objection.

24 THE COURT: Tell us what he said.

25 THE WITNESS: He said, I agree, I can

10/24/89

T6-fr

HILDEBRANDT - PEOPLE - DIRECT - LEDERER

1504

1 tell when my son is not telling me the
2 truth.
3

4 Q Did he say anything else to you at that
5 point?

6 A Not that I can recall.

7 Q Approximately how long did you talk outside
8 the room?

9 A Two or three minutes.

10 Q And what happened after the two or three
11 minutes?

12 A I suggested that Mr. McCray go into the
13 room and talk to his son, inform his son that we
14 felt that he was not being completely truthful with
15 us.

16 Q And what happened at that point?

17 A He went into the room and spoke to his son
18 and Mrs. McCray.

19 Q And where were you at that time?

20 A Outside the door.

21 Q Where was Detective McCabe?

22 A Outside the door.

23 Q And where was Detective Gonzalez?

24 A We were all outside.

25 Q How long did you remain outside the door?

10/24/89

NYCLD_016989

P-APP001072

T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1505

2 A Several minutes.

3 Q Did you hear what was being said outside
4 the room at that time?

5 A No, we could not.

6 Q And what happened after the several minutes
7 past?

8 A We went back in the room.

9 Q And what did you do when you went back in
10 the room?

11 A We continued the interview with Antron.
12 Asked him to go over the chain of events again.

13 Q When you say "we", who spoke?

14 A I did.

15 Q And when you asked Antron to go over the
16 events, what, if anything, did he say to you?

17 A Basically he repeated the same story.

18 Q What happened after he repeated the same
19 story?

20 A Then I asked him if there came a time that
21 they saw a female jogger in the park and he claimed
22 that he didn't.

23 Q And was there anything unusual about his
24 behavior when he answered your question about the
25 female jogger?

10/24/89

NYCLD_016990

P-APP001073

T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1506

2 MR. JOSEPH: Objection, Judge.

3 THE COURT: Objection sustained as to
4 whether there was anything unusual or not.

5 Q Was there anything that you noticed about
6 his behavior when he answered the question about the
7 female jogger?

8 MR. JOSEPH: Objection.

9 THE COURT: I'll allow it.

10 A He was looking at me at the time he asked
11 the question and ask he answered the question, he
12 looked away. Looked down at the ground. Started to
13 move around inside the seat.

14 Q What happened next?

15 A At that point I suggested that -- to Mr.
16 McCray that we go out in the hall, I'd like to have
17 a conversation with him.

18 Q And did you leave the room with Mr. McCray?

19 A Yes, I did.

20 Q And did anyone else leave with you?

21 A Detective Gonzalez.

22 Q Where did you go when you left the room?

23 A Just outside, behind the door.

24 Q And what conversation occurred at that
25 time? Who spoke and what, if anything, did they

10/24/89

T6-fr

1507

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER

2 say?

3 A I had asked Mr. McCray if he felt that his
4 son was still holding back, and he said, "Yes," he
5 felt that he was keeping something from us. He
6 doesn't now why. He didn't raise him like that. He
7 raised him to tell the truth.

8 Q And what happened after that conversation?

9 A I had asked him, "Do you think that he
10 would be embarrassed -- that he is embarrassed
11 talking in there about what happened?"

12 At that time Mr. McCray said that it could
13 be, it could possibly be. He said, "Maybe it would
14 be better if my wife wasn't there, that he would
15 tell us what happened." And at that point I asked
16 him if he would want to talk to his wife. He said,
17 "Yes." I put him back in the room and Detective
18 McCabe came out and they had a conversation.

19 Q Approximately how long -- withdrawn.

20 Detective, where was Detective Gonzalez at
21 this time?

22 A He was in the hall.

23 Q And where was Detective McCabe?

24 A Inside the room.

25 Q And did Detective McCabe leave the room?

10/24/89

NYCLD_016992

P-APP001075

T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1508

2 A Only after Mr. McCray went back in and we
3 allowed them to speak together.

4 Q How long were they allowed to speak
5 together?

6 A A couple of minutes.

7 Q Could you hear what was being said in that
8 room?

9 A No.

10 Q After a couple of minutes passed, what's
11 the next thing that happened?

12 A We entered. We went back into the Youth
13 Room and I asked Mr. McCray what was decided and he
14 informed me that his wife had agreed to leave and at
15 that point Detective Gonzalez escorted her from the
16 room.

17 Q After Mrs. McCray left the room, what was
18 the next thing that happened?

19 A Mr. McCray informed his son -- as to why
20 the mother -- he informed the son to be truthful
21 with us and to tell us what happened, and if
22 something happened to the female jogger, to tell us
23 what happened.

24 Q And did you then have a further
25 conversation with Antron McCray?

10/24/89

NYCLD_016993

P-APP001076

T6-fr

1509
HILDEBRANDT - PEOPLE - DIRECT - LEDERER

A At that point -- just prior to that, Detective Gonzalez came back into the room and when he was back, I had asked Antron to tell us exactly what happened with the female jogger.

Q And -- did Antron McCray then tell you something about what happened with the female jogger?

A Yes, he did.

Q In substance, can you tell us, please, what did he say happened with respect to the female jogger?

MR. JOSEPH: I object to the form, "in substance."

THE COURT: Give us your recollection of what he said.

THE WITNESS: He said the female jogger was jogging along the reservoir, and they came up and one of the individuals grabbed her. They knocked her to the ground. They started kicking her. He admitted to kicking her. There came a point where he was holding her down by the left arm, and another individual had removed her clothing. There come a time

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NYCLD_016994

P-APP001077

T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER

1510

2 when the jogger was struck in the chest and
3 struck over the head with a pipe. He gives
4 the sequence of individuals --

5 MR. JOSEPH: Objection, Judge.

6 THE COURT: I'll allow it. Go ahead.

7 THE WITNESS: Who jumped on top of her
8 including himself. I believe he puts
9 himself as the third individual. As he was
10 on top, somebody else was holding her arm
11 down. After he was finished, he was
12 followed by one or two other individuals,
13 and when they were finished, they left that
14 area of the park.

15 Q After Antron McCray made the statement to
16 you, did there come a time you put in writing the
17 statement that he had given you?

18 A Yes.

19 MR. JOSEPH: I object to the question.

20 THE COURT: No, I'll allow it.

21 A Yes, I did.

22 Q Did you write the statement, or did you and
23 Antron McCray write the statement?

24 A I wrote it.

25 Q And would you please describe for the Court

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1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1511

2 how it came about that what he said was put on
3 paper?

4 Did you write the whole thing at once or
5 did you write it in pieces? did you ask him
6 questions? Describe to us how it came about that
7 the statement was put into writing?

8 A After he had admitted to what happened to
9 the female jogger --

10 MR. JOSEPH: I object, Judge.

11 THE COURT: I'll allow it.

12 MR. JOSEPH: That's not responsive to
13 the --

14 THE COURT: I'll allow it. Go ahead.

15 A I told him I was going to write down the
16 chain of events as he relayed them to me. I
17 repeated the chain of events and had asked him to
18 correct me if I was wrong. And I wrote down from
19 memory, from what he originally told me. After I
20 wrote down the statement, I read the statement to
21 him and his parents --

22 Q Let me stop you for a moment.

23 You just said, "his parents." Did there
24 come a time that his mother returned to the room?

25 A Yes, there was.

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HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1512

Q And would you please tell us, in relation to the writing of the statement, when was it that his mother returned to the room?

A After he admitted to what had happened to the female jogger, Detective -- I believe it was Detective Gonzalez went upstairs and brought Mrs. McCray back into the room.

Q Was that before or after the statement was put in writing?

A Before.

Q I interrupted you. I think you said you had written out the statement. What did you do with the statement after you had written it out?

A After I wrote it, I read it to Antron and his parents.

Q As you read it to Antron, did he say anything to you when you read it back to him?

A No, he did not.

Q Did he make any corrections when you read it back to him?

A I believe I made a few corrections as to time and --

Q When you read it back, did either of his parents speak?

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HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1513

A No, they did not.

Q I ask you to please look at what's been previously marked as People's 12 for identification. (People's 12 handed to witness.)

Q Looking at People's 12 for identification, do you recognize what that is, Detective Hildebrandt?

A Yes.

Q What do you recognize that to be?

A That's the statement that I wrote down after the interview of Antron.

Q And is that statement signed by anyone?

A Yes, it is.

Q Will you please indicate who has signed that statement?

A Antron McCray, Linda McCray, Bobby McCray and myself.

Q And are there any initials on the end of pages one or two of that three page exhibit?

A Yes, there are.

Q And what initials appear at the bottom of the first page of that exhibit?

A A.M., L.M. -- it looks like A.M. -- B.M., I guess. B.M.

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HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1514

Q Who initialed pages one and two at the bottom?

A Antron McCray, Linda McCray, and Bobby McCray.

Q And was this document signed in your presence?

A Yes, it was.

Q And was it initialed at the bottom of pages one and two in your presence?

A After I read each page.

Q Are there any corrections that appear in any of the lines of pages one, two, or three?

A Yes, there are.

Q Would you please indicate on the first page, is there any correction or change that appears other than the text?

A Yes, I wrote down on there, "about 9 p.m." and I initialed it.

Q And how did it come about that that addition or correction was made?

A Well, as I was reading it aloud, I have on here "Clarence was at my house and we left," but I didn't have what time he was at the house.

Q When was the correction or the addition

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1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1515

2 made?

3 A As I was reading it.

4 Q And is that your handwriting that the
5 addition --

6 A Yes.

7 Q On page two are there any corrections or
8 changes or additions?

9 A Yes.

10 Q And would you please indicate which change
11 or correction is there?

12 A I added the word "down."

13 Q Is that your handwriting?

14 A Yes, it is.

15 Q And was that added before the document was
16 signed and initialed?

17 A Yes.

18 Q And the correction on the first page --
19 withdrawn.

20 The addition on the first page where it
21 says "around 9 p.m." was that added before the
22 document was signed and initialed?

23 A Yes.

24 MS. LEDERER: Your Honor, at this time
25 I offer People's 12 in evidence.

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Linda Fairstein

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1 meeting his father. I saw Raymond 16:47:16
2 Santana's father that morning, the morning 16:47:20
3 seven to nine a.m. at the 24th Precinct. 16:47:24
4 I believe I saw other parents. 16:47:36
5 I know I saw other parents at hours 16:47:40
6 throughout the day of the 21st and other 16:47:43
7 young men. I saw Michael Briscoe, I 16:47:48
8 remember distinctly, and I believe family 16:47:53
9 members of his. 16:47:56
10 Q. Did you know that Raymond 16:48:00
11 Santana had to be re-interviewed because a 16:48:02
12 parent was not present? 16:48:05
13 MS. DAITZ: Objection to form. 16:48:08
14 A. Did I learn that Raymond Santana 16:48:14
15 had to be re-interviewed when, what day, 16:48:17
16 what time, I don't know. 16:48:20
17 Q. Whenever he was interviewed, 16:48:22
18 particularly on the 19th. 16:48:25
19 MS. DAITZ: Your personal 16:48:26
20 knowledge prior to arraignment is what 16:48:27
21 he's asking you. At the precinct, did you 16:48:30
22 come to learn the fact as Mr. Beldock just 16:48:32
23 characterized it. 16:48:35
24 A. I didn't have any personal 16:48:36
25 knowledge of what happened on the 19th 16:48:39

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Linda Fairstein

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1 before -- on the 19th, no. 16:48:41

2 Q. Nobody gave you any information 16:48:45
3 about what happened on the 19th? 16:48:48

4 MS. DAITZ: Objection to form. 16:48:49
5 You can answer. 16:48:50

6 A. The information that was being 16:48:51
7 given was being given to Ms. Lederer who 16:48:52
8 was the prosecutor in charge of the 16:48:55
9 investigation. 16:48:57

10 Q. You didn't get that information 16:48:58
11 as well? 16:48:59

12 A. I got some of the information. 16:48:59
13 She was doing her job. It wasn't as 16:49:02
14 though she was coming to me to tell me 16:49:05
15 everything. 16:49:08

16 Q. So did you learn anything about 16:49:08
17 what happened on the 19th? 16:49:11

18 A. Anything about what happened on 16:49:12
19 the 19th, yes, I previously answered. 16:49:13

20 Q. I'm talking about questioning of 16:49:15
21 any of the young men. 16:49:22

22 A. I don't recall now being told 16:49:24
23 any specifics. 16:49:27

24 Q. Okay. Back on the 20th at the 16:49:29
25 20th Precinct, what were you doing for 16:49:39

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Linda Fairstein

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1 three and a half hours that you were 16:49:49
2 there? 16:49:51

3 A. I was trying to facilitate what 16:49:51
4 Ms. Lederer needed to do. So I spent a 16:49:59
5 lot of time on the phone. 16:50:03

6 Q. When I said three and a half 16:50:04
7 hours, I think it's probably more like 16:50:06
8 four hours, right, 8:30 to 12:30? 16:50:09

9 A. 8:30 to 11:30, it was three 16:50:12
10 hours because, as you know, at 11:30 I 16:50:16
11 became involved with another issue. 16:50:19

12 Q. You're giving us to understand, 16:50:21
13 and you'll correct me if I'm wrong, that 16:50:27
14 you had no supervisory involvement in Ms. 16:50:30
15 Lederer's work at the 20th Precinct; is 16:50:34
16 that correct? 16:50:38

17 MS. DAITZ: Objection to form. 16:50:38

18 A. Those are not my words. That's 16:50:39
19 not the impression I'm trying to create. 16:50:44

20 Q. Were you supervising the 16:50:47
21 investigation? 16:50:49

22 A. No, I was not doing that. 16:50:50

23 Q. Were you the senior District 16:50:52
24 Attorney there? 16:50:54

25 A. I was the Senior Assistant 16:50:54

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Linda Fairstein

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1 District Attorney there for, as I've 16:50:58
2 testified at the trial, administrative 16:51:02
3 purposes. I was not there -- I assigned 16:51:05
4 Ms. Lederer because she did not need at 16:51:07
5 the precinct a legal supervisor. 16:51:10
6 Q. Were you participating in the 16:51:13
7 investigation? 16:51:15
8 A. As of 11:30 that night, I was 16:51:18
9 not participating in any part. 16:51:22
10 Q. As of 8:30 that night? 16:51:24
11 A. I'm sorry, from 8:30 to 11:30, 16:51:26
12 no. I set Ms. Lederer up. I began to 16:51:30
13 make phone calls to expedite her work. 16:51:33
14 Q. The phone calls were to 16:51:36
15 Morgenthau? 16:51:38
16 A. Several to Morgenthau, several 16:51:39
17 to and from John Hogan, her Bureau Chief. 16:51:41
18 I spent time on the phone with one of the 16:51:46
19 neurosurgeons at Metropolitan Hospital. I 16:51:50
20 spent a lot of time on the telephone with 16:51:54
21 one of Ms. Meili's brothers. 16:51:59
22 Q. Go on. 16:52:04
23 A. I spent time on the phone with 16:52:11
24 the desk at the 24th Precinct inquiring 16:52:15
25 about the designated youth room there and 16:52:18

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Linda Fairstein

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1	whether we could clear -- whether they	16:52:20
2	could clear for Ms. Lederer and Mr.	16:52:23
3	Clements the youth room, and could handle	16:52:26
4	the operation if we moved it to their	16:52:30
5	precinct.	16:52:35
6	Q. Anyone else you were talking to?	16:52:35
7	A. Possibly, but I don't recall.	16:52:38
8	Q. Let me show you an exhibit	16:52:40
9	that's been premarked as 5.	16:52:45
10	MS. DAITZ: Thank you.	16:53:00
11	Q. Do you recognize --	16:53:05
12	A. Just a minute.	16:53:07
13	MS. DAITZ: Fairstein Exhibit 5	16:53:11
14	is a one-page document, NYC025732.	16:53:14
15	Q. This --	16:53:25
16	A. Just a minute. I'm having	16:53:26
17	trouble with the handwriting. Just let me	16:53:29
18	read it and I'll answer your questions,	16:53:31
19	please. Okay, yes.	16:53:33
20	Q. This --	16:53:48
21	MR. BELDOCK: Withdrawn.	16:53:50
22	Q. You said you spent some time	16:53:51
23	talking to a doctor, right?	16:53:52
24	A. Yes.	16:53:54
25	Q. This document is not the doctor	16:53:55

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P-APP001088

COMPLAINT - FOLLOW UP INFORMATIONAL		PAGE 1 OF 2	
FD 313-081A (Rev. 1-86)		Pct	022
Complaint No		281	
Date of This Report		4/20/89	
Date of Orig. Report	Date Assigned	Case No	Unit Reporting
4/20/89	4/20/89	67	DBMSTF NIGHTWATCH
Complainant's Name: Last, First, MI		Victim's Name - If Different	
P. S. N. Y.		Unidentified F/W/20-30yrs	
Last Name, First, MI		Address, Include City, State, Zip	
Home Telephone		Business Telephone	
Position / Relationship		Sex	Race
Date of Birth		Age	
Apt. No.		Res. Pct.	
Wanted		Arrested	Weapon
Used		Possessed	
Describe Weapon (If firearm, give color, make, caliber, type, model, etc.)			
Wanted		Arrested	Last Name, First, MI
Address, Include City, State, Zip		Apt. No.	
Res. Pct.			
Sex		Race	Date of Birth
Age		Height	Weight
Eye Color		Hair Color	Hair Length
Facial Hair		NYSD No.	
Eyeglasses		Sunglasses	
Clothing Description		Scars, Marks, M.O., Etc.	
Nickname, First Name, Alias		Address in "Details" if:	
Wanted		Arrested	Last Name, First, MI
Address, Include City, State, Zip		Apt. No.	
Res. Pct.			
Sex		Race	Date of Birth
Age		Height	Weight
Eye Color		Hair Color	Hair Length
Facial Hair		NYSD No.	
Eyeglasses		Sunglasses	
Clothing Description		Scars, Marks, M.O., Etc.	
Nickname, First Name, Alias		Address in "Details" if:	
<p>3. AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS."</p> <p>Comp. Interviewed <input type="checkbox"/> Yes <input type="checkbox"/> No In Person <input type="checkbox"/> By Phone <input type="checkbox"/> Date _____ Time _____ Results: Same as Comp. Report - Different (Explain in Details)</p> <p>Witness Interviewed <input type="checkbox"/> Yes <input type="checkbox"/> No In Person <input type="checkbox"/> By Phone <input type="checkbox"/> Date _____ Time _____ Results: Same as Comp. Report - Different (Explain in Details)</p> <p>PERP 1: Canvas Conducted <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes - Make Entry in Body Re: Time, Date, Names, Addresses; Results _____ Crime Scene Visited <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes - Make Entry in Details Re: Time, Date, Evidence Obtained</p> <p>PERP 2: Complainant Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future Results: _____</p> <p>PERP 3: Witness Viewed Photos <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> Future Results: _____</p> <p>PERP 4: Crime Scene Visited <input type="checkbox"/> Yes <input type="checkbox"/> No By (Enter Place in Details) _____ Crime Scene Photos <input type="checkbox"/> Yes <input type="checkbox"/> No By (Enter Results in Details) _____</p> <p>If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant</p>			
<p>DETAILS: COMPLAINT: VICTIM FOUND BEAT AND BOUND INSIDE CENTRAL PARK</p> <p>SUBJECT: INTERVIEW OF CLARENCE THOMAS M/B/14yrs</p> <p>1) On this date at 0700hrs the undersigned along with Det Whelpley did interview Clarence Thomas M/B/14yrs DOB [redacted] of [redacted] in the presence of his mother Gloria Thomas who lives at the address. Clarence Thomas was under arrest at this time so the undersigned informed him and his mother of their rights from a card. Both Clarence Thomas and his mother Gloria Thomas acknowledge each right by stating yes and on the last right they agreed to answer questions without an attorney present. Clarence Thomas states that he and his friend Antron Mc Cray who lives on [redacted] and goes to JHS 117 (Exact address unknown) were on E110th St and Madison Ave and they met approx 15 other males all about 13 to 15 yrs old. Clarence states that he did not know all of these males but he did know a guy named Polo who is a M/Bor B/15yrs and he hangs out on E 110th and Madison, a guy named Ralph M/B/15yrs who lives in the Taft projects and he knows Lamont Mc Call (See DD 5 Det Whelpley Re; Lamont Mc Call). Clarence states that the group was mixed with blacks and hispanics and that they all went into the park at E 110th and started walking into the park and south. Clarence stated that they were just hanging out that there was no plan on what they were going to do in the park. Clarence states that they entered the park at approx 2010hrs and he remembers the time because he knows that he met the group at 2000hrs and it took them about ten minutes to talk and then walk to the park. Clarence further states that as they walked thru the park some of the guys were throwing rocks at cars but none of the cars stopped except for a cab (yellow) that did stop but did not chase the group. Clarence also states that as they walked thru the park (location unknown) approx eight of the guys saw a male white 40's jogging who was wearing a sweater and blue shorts, and these eight guys started chasing the male white but after a few minutes five of the eight returned to the group stating that the guy got away.</p>			
Continued on page two			
Reporting Officer's Name - Signature - Complainant		Name Printed	
Det. [Signature]		J. FARRELL	
Name Printed		Tax Registry No.	
J. FARRELL		854831	
Supervisor's Signature		CO's Initials	
[Signature]		[Initials]	

NYC002949

NYCLD_058353

P-APP001089

COMPLAINT FOLLOW-UP INFORMATIONAL
FD-503 (Rev. 11-80) 24PCL
022Page
281Date of This Report
4/20/89

DETAILS:

CONTINUED FROM PAGE ONE RE: ASSAULT OF UNIDENTIFIED FEMALE WHITE

INSIDE CENTRAL PARK: INTERVIEW OF CLARENCE THOMAS

003056

- 1) Cont; Clarence does not know what happened to the other three guys who chased the male white and states that they were guys he did not know by name that they were friends of Antron Mc Cray. Clarence states that he and the rest of the group continued south in the park and then at approx the middle of the park around 96th St about seven of the guys went after and beat up another jogger at the fence near the reservoir and this was a male white (Could supply no further description). Clarence states that he and Antron Mc Cray ran out of the park and after awhile the other guys came out and they all started walking north on Central Park West and as they walked a green van turned into the street and pulled up to the group and one of the guys in the van said that they were the police and that no one should run but everyone ran any way. Clarence states that he ran to W 100th St and turned into the park and he tripped and fell to the ground and the police caught him. Clarence further states that the others all ran in different directions
- 2) When questioned about anyone else who the group had hit Clarence stated that there was an old bum who was a male white or hispanic that Lamont Mc Call had hit with his fist in the back of the bum's head and knocked him to the ground. Clarence further stated that the only other person he saw in the park, outside of the three he had mentioned was some people on a bike but that they did not go after them. Clarence states that the Bum was in the middle of the park and that the Bum was wearing a dark blue coat with grayish pants. When asked if anyone in the group had a weapon Clarence stated that there was a M/B/ in his teens tall wearing blue jeans with patches all over them and a beige trench coat and he had a pipe that was approx 14 inches long with one end taped with black tape. Clarence states that he does not know this tall male's name but that he saw this male take this pipe out of his pants with his right hand when they were at the reservoir with the man who had been beat but he did not see if the tall male hit the male white with the pipe. Clarence states that he was too far away from the seven guys to see who was hitting the white male. At this time Clarence was allowed to go home with his mother and the interview was discontinued
- 3) On this date at approx 1130hrs the undersigned along with Det Whelpley were at the home of Clarence Thomas and spoke to Clarence's mother first and told her that Clarence had to be spoken to again. Mrs Thomas invited the undersigned and Dte Whelpley into her home and then went and woke up Clarence. Mrs Thomas brought Clarence into her kitchen and he sat down and did Mrs Thomas and at this point the undersigned reminded both of them of their rights and again told them they had the right to have an attorney present before speaking to the police. Both Mrs Thomas and Clarence agreed to speak to us without an attorney present. At this time Clarence stated that the pipe he told us about before was passed back and forth between the tall guy and Antron Mc Cray but Clarence still state that he did not see either of them hit the guy with the pipe. When asked about anyone else being beat in the park by this group, Clarence stated that the Bum Lamont hit but this time Clarence states Lamont beat the Bum with three other guy's and that they really beat the guy by punching and kicking him then they dragged this Bum off the road and on the curb and left him there bleeding. Clarence states he does not know the names of the three guys who beat the Bum with Lamont by name but that Antron might know them. Clarence and his mother agreed to show the undersigned where Antron lived and also agreed to come back to the Central Park Pct with the undersigned. While in auto 8475 Mrs Thomas directed the undersigned and Det Whelpley to [redacted] and stated that Antron lived in this building in apartment [redacted] Det Rosario along with Dets Rivera and Morin from Sex Crimes went into [redacted] and came out with the subject who was identified as Antron Mc Cary and his mother Linda Mc Cray and his father Bobby MC Cary. Det Rosario informed the undersigned that he requested Mr and Mrs Mc Cary and Antron to come to the CPP and they agreed further Det Rosario asked that Antron wear the clothes he had been wearing before he went to bed and this was also agreed to by both parents and Antron. When Antron exited the building his clothes were covered with dried mud and were very dirty. Mr and Mrs Mc Cray and Antron were transported to the CPP in Sex Crime auto 731 and Mrs Thomas and Clarence were transported in DBMSTF auto 8475.

INVESTIGATION CONTINUING

Reporting Officer's Name, Signature, Department	Name Printed	Tax Registry No.	Supervisor's Signature	C.O.'s Initials
Det [Signature] DBMSTF	J FARRELL	864831	Sgt.	

CRIMINAL RECORDS SECTION

NYC002950

NYCLD_058354

P-APP001090

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Arthur Clements

anyone representing you from Corporation
Counsel?

A. Again, your question is about?

Q. A negative relationship or friction
between Nancy Ryan and Linda Fairstein.

A. No, I had not heard that.

Q. Ultimately, prior to arraignment,
this case became a case belonging to the Sex
Crimes Bureau; is that correct?

MR. MYERBERG: Objection.

A. I don't know specifically whether
that is accurate or not from my perspective. It
was assigned to Elizabeth Lederer.

Q. And to your knowledge, was Linda
Fairstein supervising Elizabeth Lederer?

MR. MYERBERG: Objection.

A. No.

Q. What was your understanding of her
involvement in the case prior to the arraignment
of Linda Fairstein's involvement prior to the
arraignment?

A. I don't know if I -- I think Linda
Fairstein was at the precinct, but that the case
was assigned to Elizabeth Lederer.

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1 Arthur Clements

2 Q. Did she have any other involvement
3 than simply being at the precinct on that one
4 occasion prior to the arraignment?

5 MR. MYERBERG: Objection.

6 A. You're asking about Linda
7 Fairstein?

8 Q. Yes.

9 A. I don't know specifically what
10 Linda Fairstein's involvement was at the time I
11 arrived at the precinct.

12 Q. Let me go back. We've discussed so
13 far the period from April 21st around 2:00 to
14 2:30 a.m. where you arrive at the precinct and
15 the events, including the statements taken from
16 Kevin Richardson, Steve Lopez, Raymond Santana
17 up to Clarence Thomas, correct? Those are the
18 things that happened when you were initially at
19 the 24th Precinct on April 21, 1989?

20 MR. MYERBERG: Objection.

21 A. Well, I don't know that that's
22 everything that happened at the 24th Precinct.
23 But I was present on the first floor of the 24th
24 Precinct during the time that the videotaped
25 statements of Kevin Richardson, Raymond Santana,

E. LEDRER

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1 A. If this document is correct, 11:03:31
2 then I would have been at the 20th 11:03:39
3 Precinct from 8:45 p.m. until 11:03:41
4 approximately 10:45 p.m. 11:03:43

5 Q. And at some point you went to 11:03:48
6 the 24th Precinct, correct, because that's 11:03:50
7 where you then conducted the interviews, 11:03:53
8 right? 11:03:54

9 A. I'm sorry, let me correct my 11:03:54
10 answer. As I sit here today and as I 11:03:56
11 think about my answer, I don't believe I 11:04:00
12 traveled to the 24th Precinct with the 11:04:02
13 video technician. I believe I stayed at 11:04:04
14 the 24th Precinct until approximately 11:04:07
15 midnight. 11:04:09

16 Q. At the 20th Precinct? 11:04:10

17 A. I believe so. 11:04:10

18 Q. Until midnight, okay. 11:04:11

19 A. Approximately. And so, if this 11:04:12
20 document is correct, then arriving at the 11:04:17
21 20th Precinct with the video technician at 11:04:20
22 8:45, I was there for a little bit over 11:04:23
23 three hours. 11:04:26

24 Q. Tell me how you learned, tell me 11:04:28
25 what you were doing for the three hours or 11:04:31

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1 thereabouts that you were at the 20th 11:04:34

2 Precinct, what were you doing there? 11:04:34

3 A. I don't, as I sit here today, 11:04:36

4 have a clear recollection of what I was 11:04:41

5 doing. I believe I was trying to prepare 11:04:43

6 to take a videotaped statement, and I 11:04:47

7 don't recall, as I sit here today, which 11:04:53

8 young man that would have been. 11:04:55

9 But we were preparing, and I 11:04:57

10 believe trying to set up in what we 11:05:00

11 thought was the youth room at the 20th 11:05:02

12 Precinct. 11:05:04

13 So I was involved in preparing 11:05:04

14 for that, but I don't know what else I 11:05:09

15 might have been doing. I don't remember 11:05:12

16 anymore. 11:05:13

17 Q. Were you talking with the 11:05:14

18 detectives who were investigating the case 11:05:18

19 during this period of time before you 11:05:20

20 started the interviews? 11:05:22

21 A. I don't remember. I may have 11:05:23

22 been. I know for part of the time I was 11:05:24

23 at a briefing, but I don't know how long I 11:05:26

24 was there. 11:05:29

25 Q. Who did the briefing? 11:05:29

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1	MS. DOLLIN: Objection. Asked	11:05:31
2	and answered.	11:05:32
3	A. It was someone from the police	11:05:32
4	department.	11:05:37
5	Q. Who?	11:05:38
6	MR. BELDOCK: Can you repeat	11:05:38
7	that?	11:05:39
8	MR. MOORE: She said it was	11:05:40
9	someone from the police department.	11:05:41
10	Q. Who from the police department,	11:05:42
11	do you know?	11:05:45
12	A. I don't know.	11:05:45
13	Q. Was it one of the detectives who	11:05:46
14	were involved in the investigation?	11:05:48
15	MS. DOLLIN: I'm just going to	11:05:49
16	object to this line of questioning as	11:05:50
17	having been asked last time.	11:05:52
18	MR. MOORE: Well, we only	11:05:54
19	touched on it. We didn't really go into	11:05:55
20	it. We went off to something else, that's	11:05:56
21	why I'm going back to it.	11:05:58
22	Q. Do you remember who it was? Was	11:06:00
23	it one of the detectives or was it	11:06:02
24	somebody else from the police department?	11:06:04
25	A. I think it was somebody else	11:06:06

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1 from the police department. 11:06:07

2 Q. And was the briefing about what 11:06:08

3 evidence they had at that point in terms 11:06:11

4 of who was responsible for what happened 11:06:13

5 in the park, was that what the briefing 11:06:15

6 was about? 11:06:17

7 MS. DOLLIN: Objection to form. 11:06:18

8 A. I don't have a clear memory of 11:06:19

9 what the briefing was about beyond, I 11:06:23

10 believe, a description of some of the 11:06:26

11 things that had happened in the park that 11:06:28

12 night. But I'm not, I think that's what 11:06:30

13 it was, but I don't remember clearly. 11:06:33

14 Q. When did Linda Fairstein get to 11:06:36

15 the precinct, do you know? First of all, 11:06:39

16 was she at the 20th Precinct? 11:06:42

17 A. ADA Fairstein was at the 20th 11:06:45

18 Precinct on the evening of April 20th. 11:06:49

19 Q. Did you have conversations with 11:06:50

20 her about the case at the 20th Precinct on 11:06:52

21 April 20th? 11:06:55

22 A. I believe we spoke briefly. 11:07:00

23 Q. Okay. What about? 11:07:02

24 A. I would imagine. I remember, I 11:07:04

25 remember her telling me that the reason 11:07:15

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1 she had come to the 20th Precinct, to give 11:07:17
2 me whatever help I might need, was because 11:07:23
3 she had handled a case that happened in 11:07:25
4 Central Park, and that having a crime 11:07:28
5 scene in Central Park had unique problems. 11:07:32
6 And she felt that perhaps she'd be able to 11:07:35
7 assist me in dealing with a crime scene in 11:07:38
8 Central Park. 11:07:41

9 Q. You had had an earlier phone 11:07:42
10 conversation with Linda Fairstein asking 11:07:44
11 you to take charge of the investigation, 11:07:47
12 correct? 11:07:49

13 MS. DOLLIN: Objection to form. 11:07:50

14 A. The phone call I had with ADA 11:07:51
15 Fairstein wasn't to take charge of an 11:07:53
16 investigation. It was to stand by and 11:07:55
17 field the questions that might come from 11:08:01
18 whoever was working on this at the Central 11:08:06
19 Park Precinct. 11:08:10

20 Q. So at what point did you learn 11:08:10
21 that a young white woman had been sexually 11:08:17
22 assaulted in the park? Did you learn that 11:08:23
23 in your conversation with Linda Fairstein 11:08:26
24 or did you not learn that until you got to 11:08:28
25 the precinct? 11:08:30

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1 A. I may have heard it on the radio 11:08:31
2 before I went to work. And I don't have a 11:08:34
3 clear memory of ADA Fairstein mentioning 11:08:38
4 it to me. But that would have been the 11:08:42
5 reason that I got involved because it was 11:08:45
6 a sexual assault and a possible homicide. 11:08:47
7 Q. And when did you learn that 11:08:50

8 Patricia Meili was discovered near the 11:08:51
9 102nd Street Transverse? 11:08:54

10 A. As I sit here today, I don't 11:09:00
11 have a memory of when I learned where she 11:09:08
12 was found. I don't know when I learned 11:09:11
13 that. 11:09:14

14 Q. Well, you knew that she was, you 11:09:14
15 knew that she had been jogging, correct, 11:09:18
16 and attacked while she was jogging? 11:09:20

17 A. I believe I knew that at some 11:09:22
18 point during the day. 11:09:24

19 Q. Yeah, I'm trying to pinpoint it 11:09:24
20 because you were familiar with the route 11:09:27
21 that she ran, correct? 11:09:29

22 MS. DOLLIN: Objection. 11:09:30

23 A. In 1989? 11:09:31

24 Q. Yeah. 11:09:33

25 A. Yeah. 11:09:34

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